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THE CUBAN GOVERNMENT'S INVOLVEMENT IN FACILITATING INTERNATIONAL DRUG TRAFFIC

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON
SECURITY AND TERRORISM

OF THE

COMMITTEE ON THE JUDICIARY

AND THE

SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS

OF THE

FOREIGN RELATIONS COMMITTEE

AND THE

SENATE DRUG ENFORCEMENT CAUCUS
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

THE CUBAN GOVERNMENT'S INVOLVEMENT IN FACILITATING INTERNATIONAL DRUG TRAFFIC

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THE CUBAN GOVERNMENT'S INVOLVEMENT IN FACILITATING INTERNATIONAL DRUG TRAFFIC

SATURDAY, APRIL 30, 1983

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY;
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
FOREIGN RELATIONS COMMITTEE;
AND THE SENATE DRUG ENFORCEMENT CAUCUS,
Miami, Fla.

The subcommittees met, pursuant to call, at 9:15 a.m., at the commissioner chambers of the Dade County Courthouse, Senator Jeremiah Denton (chairman of the Subcommittee on Security and Terrorism) presiding.

Also present: Senators Hawkins, Helms, and DeConcini.

Staff present, Subcommittee on Security and Terrorism: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; Fran Wermuth, chief clerk; and Ben Scotch, minority counsel.

Staff present, Subcommittee on Western Hemisphere Affairs: Chris Manion, professional staff member.

Staff present, Senate Drug Enforcement Caucus: John Dudinsky, legislative assistant; and Rusty Roberts, Miami representative.

Senator DENTON. Good morning. This hearing will come to order. As the chairman of the Subcommittee on Security and Terrorism with jurisdiction over the Drug Enforcement Administration, I want to publicly express my gratitude to Senator Hawkins for her initiative and leadership in forming the Senate Drug Enforcement Caucus. I want to also commend her for proposing this particular hearing in the city of Miami on the role of Cuba in facilitating international drug trade.

At this point, I will turn the Chair over to Senator Hawkins.

OPENING STATEMENT OF HON. PAULA HAWKINS, CHAIRMAN OF THE SENATE DRUG ENFORCEMENT CAUCUS AND A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator HAWKINS. Senator Helms, we would like to welcome you and your subcommittee.

This joint hearing on the role of Cuba in drug trafficking is held by the Senate Drug Enforcement Caucus, the Senate Judiciary Subcommittee on Security and Terrorism, of which Senator Denton is chairman, and the Senate Foreign Relations Subcommittee on Western Hemisphere Affairs, of which Senator Helms is the chairman.

I would like to personally welcome the Senators, my colleagues, to Miami. This is the first time that these two major committees have come to Florida to conduct a joint investigative hearing, but the seriousness of the issue demanded it. Senator DeConcini, cochairman of the Senate Drug Enforcement Caucus, will be here shortly. Through the cooperation of these Senators and their concern for the people of Florida and the problem that we are addressing today, this hearing was made possible. I am deeply grateful for their leadership and their expertise.

In 1980, as we all know, here in Florida, over 125,000 Cubans arrived in the United States via the Mariel boatlift. Unfortunately, many of the people that were mixed among the freedom-loving "marielitos," were thousands of hardened criminals. These felons were purposely dumped out of Cuban prisons and exported to the United States by Castro. The impact on Miami has been devastating. During 1981, Miami was labeled the "murder capital" of the United States. In 1981 alone, there were over 580 murders in this county. That was an increase of over 60 percent over the previous year. A startling 23 percent of these murders were committed with machineguns.

Today, we will hear detailed testimony by a former agent in the Cuban Intelligence Service, commonly called the DGI, and two major international drug traffickers who worked directly with the Government of Cuba. These three witnesses and their families are now in the Federal Witness Protection Program.

On November 15, 1982, four close aides to Fidel Castro, including two influential members of the Central Committee of Cuba's Communist Party, were indicted on charges of smuggling narcotics into the United States. Stanley Marcus is with us today, and I am very grateful for his services as the U.S. attorney for the Southern District of Florida. He has his assistant, Richard Gregorie, with him. They led the investigation of the Jaime Guillot Lara case, which resulted in these important indictments. Through their courageous and thorough investigation, the Federal Government gained crucial information relating to the Communist drug conspiracy, and among those indicted were:

One, Rene Rodriguez Cruz, a senior official of the Cuban Intelligence Service and a ranking member of the Cuban Communist Party Central Committee. It was he who helped organize the Cuban boatlift to the United States.

Two, Aldo Santamaria Cuadrado, a vice admiral of the Cuban Navy and a member of the Cuban Communist Party Central Committee. He is charged with having supervised the protection and resupplying of ships transporting drugs from Colombia to the United States by way of Cuba.

Also indicted were Fernando Ravelo Renedo, Cuban Ambassador to Colombia and Gonzalo Bassols Suarez, a former Minister-Counsel of the Cuban Embassy in the Colombian capital and a member of the Cuban Communist Party. Both were charged with direct involvement in the Colombian drug trafficking to the United States.

The National Narcotics Intelligence Committee recently reported that traffic in cocaine between Colombia and the United States exceeded 31 metric tons in 1981, with a street value of over $27 billion. In addition, estimates are that in 1981, 36 metric tons of methaqualone worth nearly $1 billion entered the United States, again, from Colombia.

The goal of this joint hearing is to investigate and to establish the extent to which the Government of Cuba is promoting drug trafficking. The fact that Castro has chosen to associate himself with criminal elements and international drug smugglers, I believe, is a clear indication of his contempt for international law and his intent to undermine American society through drug addiction, moral corruption and violent crime. Investigations reveal that the Cuban dictator's support of drug trafficking is linked to his promotion of terrorism in Latin America. Ships are loaded with drugs in Cuba to be taken to the United States. They leave the United States. Many of these ships return to Cuba with weapons destined for the South American mainland. I believe the Cuban dictator's efforts to strike at Florida continue to this day. Only this month, we experienced another boat carrying 72 illegal Haitian immigrants found adrift in Florida waters and was towed to our shores. Now, although the illegal immigrants claimed that they had been at sea for weeks, neither they nor their boat exhibited signs of exposure. Close investigation of the boat revealed a medicine chest containing only Cuban and Bulgarian medicines. Clearly, Castro is providing a temporary harbor for Haitians and then facilitating their illegal entry into the United States by towing their boats into Florida or Bahamian waters.

It is my sincere hope that this joint hearing will enhance the awareness of the American public, the congressional leadership, our law enforcement officials and the international community of Cuba's covert actions. Castro must be held accountable for his actions, and the U.S. foreign policy must be used as a preventive tool for stopping drugs before they ever reach this country. Nothing should supersede our desire for Americans to live free from violent crime and drug abuse.

I look forward to hearing from the many witnesses that are going to participate today, and spend their Saturday in helping bring about some suggested solutions to this terrible problem.

Senator Helms, I would appreciate hearing from you at this time. I want to thank you so much for coming on a Saturday to Miami.

OPENING STATEMENT OF HON. JESSE HELMS, CHAIRMAN OF THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS OF THE FOREIGN RELATIONS COMMITTEE AND A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HELMS. Madam Chairman, it is the other way around. I thank you for your hospitality and permitting me to come.

We have a general comity in the U.S. Senate which suggests that we always pay our respects to our fellows and fellow ladies; that is not difficult this morning because, sitting to my right—and hardly anybody sits to my right—is one of my heroes, Jeremiah Denton.

At a time when we are encouraged not to have heroes in the United States, I always insist that I have one because, as all of you know, and I will say it for the record, Jerry Denton is the man who was the spokesman for the first contingent of POW's released from Vietnam. I will never forget that morning when he came down the ramp of that airplane, and the first thing he said was, God bless America; so his dedication and his love for his country are a matter of record.

As for Senator Hawkins, I was asked not long ago to give a couple of reasons why I think that competent, dedicated women should be involved in government. I said, I can answer that with two words: Paula Hawkins. Paula came to Washington not all that well known to me, except through the news media, but I immediately perceived that, here is a lady who is determined to do what she can to get this country straight again. And a number of bureaucrats in Washington, D.C., have learned that that is her purpose. She knows how to deal with the bureaucracy. She understands what the problems are. She does her homework, and in every way, she is a very fine U.S. Senator, and one of the most charming human beings I have ever known.

So, with that preface, let me say that we meet here today to assist and evaluate what I consider to be, perhaps, the No. 1 problem of the United States.

We have many problems, but if we don't solve the drug problem in our country, I am not sure we are going to be able to solve any of the rest of the problems.

Now, as Senator Hawkins has indicated, I am chairman of the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee, and we are very much interested in this problem and have been working on it. As a matter of fact, we had hearings in Elizabeth City on the 16th of April; I had known all there was, I thought, about the drug problem until we took testimony there, not only from the Coast Guard but from law enforcement officials, both Federal and State. I think it was that day that the enormity, the awesome arithmetic of the problem really began to sink in.

I hope that somehow, emerging from these hearings, Madam Chairman and Senator Denton, that we can begin to convey to the American people that this is not news to be published on page 42 next to the obituaries. This is not news to be considered as a side item. The drug problem in the United States is No. 1, and I think there is no question about the involvement of the Cubans in drug trafficking. I cannot disclose, of course, information that has been given to me and to other Senators in highy classified briefings, but there is no question about the Cuban Communists' involvement and the orchestration of the shipment of drugs into the United States. There are several loose ends, Madam Chairman, that need to be brought together as we assess this whole problem; one of them in particular may seem to be an ancillary aspect, but, in fact, it is not.

A lot of Americans may be surprised to know that it is not a matter of public information just what the Kennedy-Khrushchev agreement or agreements were. I have asked two Secretaries of State, first Mr. Haig, and now Mr. Shultz, to come before the Western Hemisphere Affairs Subcommittee of the Foreign Relations Committee and tell us and the American people just what it was that Mr. Khrushchev and Mr. Kennedy agreed to. I think we are entitled to know that so we can assess the dimensions of how badly Mr. Castro is violating not only those agreements but the Monroe Doctrine as well.

So, I think this hearing this morning is a credit to you, madam, and to you, Senator Denton, and I appreciate the opportunity to be here with you.

Senator HAWKINS. Thank you.

Senator Denton has held previous hearings on this subject, and we owe him a deep debt of gratitude for laying the foundation for this hearing here today. We will now hear from him at this time.

OPENING STATEMENT OF HON. JEREMIAH DENTON, CHAIRMAN OF THE SUBCOMMITTEE ON SECURITY AND TERRORISM OF THE COMMITTEE ON THE JUDICIARY AND A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Thank you, Senator Hawkins.

This hearing will have the benefit of a powerful coalition. The most senior member of this coalition, Senator Jesse Helms, is the gentleman on my left. He has been a man and a Senator I have admired for many years prior to my own service in the Senate.

He has been called the conscience of the Republican Party, and I can assure you that he is that. He has also brought much of the brains and the courage, not only to the Republican Party, but to the Senate, as a statesman and as an outstanding U.S. Senator. I deeply appreciate the personal reference which he made to me earlier, considering the substance of the source. He is a reliable pillar, a reliable example.

Senator Helms is also chairman of the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee, and on that committee brings, in my opinion, an approach, a voice which is not only refreshing but one which we just can't do without. He brings to this hearing a viable perspective because of his expertise and work with regard to Latin America, and, especially, the Soviet and Cuban involvement in that area.

Senator Helms has also demonstrated continuing interest and work in the area of drug interdiction, and just last week, April 16, he chaired a joint hearing with the Subcommittee on Security and Terrorism at the Elizabeth City, N.C., Coast Guard Station on this topic of drug trafficking.

We also have another member of the coalition, a good friend of mine, Senator Dennis DeConcini of Arizona, who should be arriving at any moment. He is cochairman of the Senate Drug Enforcement Caucus, and he has worked with the Judiciary Committee on drug-enforcement matters. His work with drug-interdiction efforts and related border-integrity problems is well known, and he is a highly respected authority in these areas.

Senator Hawkins deserves tremendous credit for her work as cochairman of the Senate Drug Enforcement Caucus where she has brought a much-needed, continuing focus on drugs and related problems.

I believe that U.S. Attorney Stanley Marcus and Assistant U.S. Attorney Richard Gregorie deserve special recognition for their cooperation in working with the Senate staff; also Drug Enforcement Administration Special Agents Gruden, Fernandez, and Carew have been helpful in developing background materials for this hearing.

This hearing, I believe, is going to be a most significant contribution to understanding, and bringing to the American public the opportunity to understand, this drug problem, and, equally important, I believe, Cuba's participation in facilitating drug trafficking. That participation was first made public in Senate hearings on March 4, 1982, by Florida Department of Law Enforcement Special Agents Sergio Pinon and Daniel Benitez based on an interview conducted on June 30, 1981, of Hector Gonzalez-Quinones, also known as Frank Bonilla. Gonzalez was reinterviewed by my staff on February 17, 1982, and the substance of the interviews was developed in the hearings before the Subcommittee on Security and Terrorism. Rather than take valuable time from today's hearing, I ask unanimous consent that the translation of the relevant portion of Mr. Gonzalez' original June 30, 1981, interview be placed in the record as well as the relevant portions of the testimony of Mr. Pinon and Mr. Benitez before the subcommittee on March 4, 1982.

Senator HAWKINS. It will be placed in the record.

[The revelant portions of the testimony from the March 4, 1982, hearing by the Subcommittee on Security and Terrorism and the translation of the interview with Hector Gonzalez-Quinones, also known as Frank Bonilla, appears as exhibit 1 in the appendix, beginning on p. 95.]

Senator DENTON. In hearings by the Subcommittee on Security and Terrorism, evidence of Soviet support and direction of Cuban efforts in Africa, South America, and Central America has been well established but not well publicized. Too many of the national media, in all candor, have apparently boycotted the hearings in which testimony has been given by people who have been risking their lives to give it. It has not been made a part of the treasury of knowledge available to our public and not too many Senators have had time to read the record of the proceedings.

The Soviets appear to direct certain Cuban activities and have assigned the United States as their ultimate No. 1 target. Cuban operations include participating in the support of low intensity warfare and terrorist activity which is designed to destabilize and extend Soviet/Cuban influence in the region by destroying existing governments and replacing them with Soviet puppets. I am not talking just about the Caribbean regions or Latin America.

This scenario was emphasized by the President in his address before the joint session of Congress regarding the serious situation in El Salvador. I hope the American people heed and understand what he said. Some of this activity may not be definitely directed by the Soviet Union, but it is certainly supported by them. The weight of evidence is that Cuban intelligence operations against the United States received unlimited Soviet financing throughout the years, whereas operations in Latin America initiated by Cuba were not as closely directed nor as lavishly and freely funded by the Soviet Union but, nonetheless, were widely supported. That is fact, established fact.

The subject of today's hearing deals with an aspect of what might be called "Cuban active measures" which is so insidious that its long-range effects cannot even be measured and, in part, will affect the health of American generations yet unborn.

Some of the witnesses here today are testifying at great personal risk and their identities will be protected. Lest we treat this subject too lightly, let me remind you that Bartholomew Hlapane, who testified before the Security and Terrorism Subcommittee last year on the Soviet Union's manipulation of the African National Congress, was murdered with his wife in their home shortly after his testimony before the subcommittee was released. He told me privately that he did not expect to live more than a few weeks after he left that hearing. His 15-year-old daughter, Brenda, now lies paralyzed in a hospital, also the victim of the assassin's bullets. Mr. Hlapane and his wife were murdered by agents of the African National Congress, the organization about which he testified.

It is heartrending to watch men, women, young people testify before my subcommittee at the risk of their lives and blow the whistle on what the Soviet Union is doing in places like Africa, who, having been lured into the belief that they could go to Angola, for example, receive an education and then go back and help with the political development with respect to South Africa, are then taken to the Soviet Union, intimidated, tortured, killed, told that if they get out, they will be killed, have them testify before my subcommittee at the risk of their lives and then lose their lives and not even have it mentioned in the American press or on American national TV.

I don't want the publicity. I'm up there to serve and to show what is going on in the areas of my responsibility, but they deserve the publicity, the American public deserves the knowledge of what is really going on in the world and in this country.

We shouldn't be hearing solely about what is going on with respect to human rights, for example, or violence in a country which is under military attack, such as El Salvador, where people conducting reforms on land are being attacked and the people to whom the land is being given are murdered. It is a country which is proceeding very rapidly toward liberalization after free elections which were heroic before the world, but these facts are not understood by the public and the rebels are being treated by the media as equally moral and equally deserving of our consideration. That is baloney, and I hope this hearing contributes toward that perspective because, by God, it is true.

That concludes my opening remarks. I look forward to hearing from my colleagues who have joined us in this hearing and from the witnesses who have been assembled by our respective subcommittees in conjunction with this caucus.

Thank you, Senator Hawkins.

Senator HAWKINS. Thank you, Senator.

These two gentlemen are great Americans. I surely feel a debt of gratitude for their time this day and their attention and great devotion to the detail that is so necessary if we are to remain a free country.

We will now hear from Senator DeConcini.

OPENING STATEMENT OF HON. DENNIS DeCONCINI, VICE CHAIRMAN OF THE SENATE DRUG ENFORCEMENT CAUCUS AND A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. Senator Hawkins, I am delighted to be here in Miami with you and this distinguished panel today, to look into the important question of the role the Cuban Government is supporting in illegal drug and weapons trafficking. As vice chairman of the Senate Drug Enforcement Caucus and cochairman of the Senate Border Caucus, I share your concerns about Cuba's involvement in aiding smugglers, who are shipping tons of illegal narcotics into the United States across our southern and southwestern borders.

Senator Hawkins, you and my distinguished colleagues from the Senate Judiciary and Foreign Relations Committees have assembled an extraordinary panel of witnesses who have agreed to share their experiences and expertise with us today on this most important issue.

I hope that we will not only be able to corroborate the evidence that has been assembled in the press regarding Cuba's "safe harbor" policy toward drug smugglers, but to explore some solutions—both legislative and diplomatic—that may help to break the so-called Cuban connection in the drug trade.

Again, I thank you for holding this hearing and for inviting me to participate. I commend you for bringing this important issue before your constituents here in Miami.

Senator HAWKINS. We will first hear today from another great American, Stanley Marcus, the U.S. attorney for the Southern District of Florida. Mr. Marcus has demonstrated himself to be an outstanding national asset in our war on drugs through his aggressive investigation into the *Jaime Guillot* case. The people of Florida have been well served by Mr. Marcus. We appreciate the sacrifices that you made in coming to Florida and taking this job for us. We appreciate, also, the great job your assistant, Mr. Richard Gregorie, has done for you. We would like to have your opening statement at this time.

STATEMENT OF STANLEY MARCUS, U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA

Mr. MARCUS. Thank you very much, Senator.

I want to thank you for inviting me to testify before this joint hearing today.

South Florida is faced with a crime problem that is, perhaps, truly unique. There are elements of the problem which can be found in the crime profile of other large metropolitan areas inside and outside the United States, but, collectively, the elements in south Florida add up to a crime problem that is, perhaps, unique in all the world.

When I first had the opportunity to speak about this subject upon becoming U.S. attorney in this district a little more than a year ago, I pointed out that, far and away, the most serious Federal crime problem in this district was the drug problem. Miami had become the point of entry for perhaps 75 percent of all the methaqualone, cocaine, and marihuana smuggled into the United States. It was in south Florida that the criminal wholesale transactions of the American drug trade were taking place.

The nature of the problem is staggering. Let me give you some brief and rough idea of the dimensions of this national problem and national crisis. More than 12,000 metric tons of marihuana enter the United States annually. Between 40 and 48 metric tons of cocaine enter the United States annually. About 4 metric tons of heroin enter the United States annually.

We have, moreover, estimated that there may be as many as 25 million regular users of marihuana in the United States and more than 4 million regular users of cocaine in this country. We have estimated that between 13 and 18 million Americans have used cocaine at least once, and that there are almost one-half million heroin addicts in this country.

The serious nature of the drug problem in this country is further evidenced by these brief statistics: It has been estimated that one-half of all jail and prison inmates regularly use drugs, narcotics, controlled substances at some time before committing their offenses. Some statistics indicate that 50 to 60 percent of all the property crimes are drug related. Researchers have found in a study of some 243 addicts in one metropolitan city that they had committed the incredible total of 500,000 crimes during an 11-year period. Violent crime has increased substantially, perhaps more than 59 percent in this country in the last decade. Serious crime now touches an enormous number of households in this country. Indeed, about 2,500 Americans lose their lives to crime each year.

It is, in short, perfectly clear that the real cost of drug smuggling and addiction in this country is staggering both in human life and in human suffering. And south Florida has been a main arena for the battle against drugs.

It is in south Florida that much of America's criminal wholesale drug trade has taken place. The estimated cash exchange generated last year by these transactions runs into the billions of dollars; billions that must be laundered through various institutions or converted into noncash assets. In either case, a variety of institutions and some businesses have been brought into collaboration with, or outright domination by, the drug moguls.

We should, I think, be perfectly clear about what kind of people are behind these drug dollars. They are vicious, even by the standards of the rankest criminals. The international drug trade which has made south Florida its capital is not a single, established cartel, and it does not respect minimal standards of conduct—rules of the game established over long years of operation in the shadows of the community.

The profit potential from drug trafficking, unfortunately, attracts many private entrepreneurs who are willing to take enormous risks for personal gain. However, as the testimony at a recent Federal trial here, in Miami, has demonstrated, officials of foreign governments also have become directly involved in the smuggling of drugs into the United States. Indeed, in a trial that occurred in this district, in the Southern District of Florida, in February of this year, a variety of witnesses gave sworn testimony that high-ranking officials of Cuba have been willing participants in this illegal drug trafficking.

The prosecution that I speak of began with the indictment of 14 individuals, including four high-ranking officials of the Cuban Government and the Central Committee of the Communist Party of Cuba on charges relating to the importation of methaqualone tablets and marihuana into the United States from Colombia by way of Cuba. The Cuban officials were charged with acts specifically aimed at facilitating the importation of drugs into the United States and circumventing the interdiction efforts of the United States.

The Cuban officials were: Fernando Ravelo Renedo, the Cuban Ambassador to Colombia; Gonzalo Bassols Suarez, Minister-Counselor of the Cuban Embassy in Colombia; Aldo Santamaria Cuadrado also known as Rene Baeza Rodriguez, a member of the Central Committee of the Communist Party of Cuba, who held also the rank of vice admiral in the Cuban Navy; and, finally, Rene Rodriguez Cruz, a member of the Central Committee, as well, of the Communist Party of Cuba and President of the Cuban Institute of Friendship with the People, also known as ICAP. These officials, as might be expected, have yet to stand trial.

In addition to the Cuban officials, two other indicted defendants still remain fugitives, Jaime Guillot Lara and Julian Losada. Guillot Lara was located, arrested, and held in a Mexican jail based on an earlier U.S. narcotics charge-indictment, in fact, in this district. However, upon his release, the Mexican Government refused to extradite him and he disappeared. Five of those charged were convicted at trial and sentenced by the district court to extensive terms of imprisonment.

I would like, at the outset to note, that the Cuban officials about whom I speak, from the record at this trial, remain fugitives from justice. The evidence and testimony which I will relate was admitted at the trial of coconspirators who were arrested and brought to trial. The other defendants, including the Cuban officials, have not been tried, and, of course, these defendants remain innocent in the eyes of the law until they are found guilty beyond a reasonable doubt in a Federal district court.

This recent prosecution involved testimony and corroborative evidence of what is defined in legal jargon or legal terminology as a "chain conspiracy"; that is, a conspiracy beginning with the growers and drug merchants in Colombia, continuing through the middlemen and exporters, to shippers and ship crews and including ranking officials of the Government of Cuba who agreed to allow Cuba to be used as a loading station and source of supplies for ships transporting and smuggling drugs into the United States. It includes warehousemen who store the drugs in the United States, and, finally, includes distributors who sell the drugs wholesale and retail on the streets of the United States. Some of the drug smugglers in this chain conspiracy were motivated by politics, some were motivated by power, most were motivated by greed and some were motivated by a combination of all of these factors.

The evidence that was introduced at the Federal trial here, in Miami, came primarily from three witnesses: first, Juan Crump; second, David Perez; and third, Mario Estevez Gonzalez.

First, Crump. Crump is a Colombian lawyer and narcotics trafficker who acted as middleman between Jaime Guillot Lara and ranking officials of the Cuban Government who permitted him to send narcotics ships through Cuban waters to evade the U.S. interdiction effort. The same Cuban officials reprovisioned these drug-laden ships from Cuban ports. Crump was close friends with the Cuban Ambassador to Colombia, whose name was Fernando Ravelo Renedo and the Cuban Ambassador's Minister-Counselor in Colombia named Gonzalo Bassols Suarez. These two Cuban officials opened the door to other officials necessary to make the supply line work.

The second witness is David Perez, a Cuban-American drug trafficker who arranged to pick up the drugs at the U.S. coast and distribute them through south Florida.

The third witness is Mario Estevez Gonzalez, a Cuban Government agent who was infiltrated into this country during the Mariel boat lift in 1980. On instructions from Cuban Government officials, he trafficked in narcotics in this country and delivered drug proceeds back to his Cuban control officers.

The evidence that was presented and adduced at trial here, in Miami, revealed that late in approximately 1979 Crump met with Ravelo, the Cuban Ambassador to Colombia; Bassols, his First Minister; and Rene Rodriguez Cruz, the President of ICAP; and, finally, Jaime Guillot Lara. At that meeting, at the outset, Guillot Lara first asked if he could use Cuba as a landing and resupply station for his drug boats and planes. Between March and July 1980, Crump continued his negotiations with Ravelo, Bassols, Guillot Lara and others. Finally, the Cuban Ambassador indicated that he, Ravelo, had received permission from "Havana" to land drug boats in Cuba. The Cuban officials and Crump worked out a procedure to insure Cuban naval protection for these narcotics vessel. Guillot Lara's boats would use the name "Viviana," the name of Crump's new baby daughter, as a code to indicate to the Cuban Navy that the drug boats should be allowed to proceed in Cuban waters, be protected and be resupplied. Crump went to Havana, Cuba, on August 14, 1980, and visited with the Cuban President of ICAP, Rene Rodriguez Cruz, and there confirmed the procedure agreed to by the Cuban Ambassador to Colombia, Ravelo.

During the time period that the Cuban connection was being worked out, Jaime Guillot Lara was meeting with David Perez to arrange for the offloading of Guillot Lara's drug boats in the Caribbean. Perez agreed to receive drugs sent by Guillot Lara from Colombia through Cuba to the United States where Perez would find American buyers. Perez testified that he sent offload boats and crews to the area of Guincho Key, which is about 15 miles off the north-central coast of Cuba. The offload boats were to pick up approximately 10 million methaqualone tablets and multiton loads of marihuana from the mother ship, the *Viviana*, which was hiding in Cuban waters. The offload boats were then to take the drugs to the area known as Riding Rocks in the Bahamas where speed boats would take the drugs into south Florida.

A variety of problems developed as the plan unfolded. Perez testified at this trial, in Miami, that he was forced to go to Guincho Key himself when two of his offload boats met with mishaps. One ran aground and the other never arrived. Perez went into Cuban waters in the area of Paredon Grande in November 1980 aboard a boat called the *Lazy Lady*, the ship which was owned by Hector Gonzalez Quinones, a Cuban Government agent known as Frank Bonilla and captained by another Cuban Government agent, Mario Estevez Gonzalez, who was one of the key witnesses called at the trial.

The evidence that was developed in the course of the investigation, and, further developed in open court at trial here, in Miami, further disclosed that, upon entering Cuban waters, the *Lazy Lady* was escorted by two Cuban gunboats to Paredon Grande where they anchored next to Guillot Lara's drug boat, the *Viviana*. Hours later, Perez, Bonilla, and Estevez were separately taken aboard a vessel, a 72-foot shrimp boat where Perez was welcomed by two high-ranking officials of the Cuban Government later identified as Aldo Santamaria Cuadrado, the vice admiral of the Cuban Navy, and Rene Rodriguez, the Cuban president of ICAP. When Perez acknowledged to the Cuban president of ICAP that the *Viviana* was carrying a methaqualone shipment, Rodriguez, the president of ICAP, replied that he was "happy" that Perez was bringing so many drugs into the United States. Perez further testified that he had several conversations with

Rene Rodriguez Cruz during the 3 days they were in Cuban waters waiting for the *Lazy Lady* to be repaired, and he said that he was told by the Cuban president of ICAP that some of the money used to purchase the drugs in Colombia was provided by the Cuban Government. Perez further testified that he understood some conversations with Jaime Guillot Lara that the Cuban Government expected to receive roughly $800,000 from the sales of 10 billion methaqualone pills and approximately 23,000 pounds of marihuana.

The third witness who was called at this trial, as I said, was Mario Estevez Gonzalez, the captain of the ship, the *Lazy Lady*. He testified at trial that he was an agent of the Cuban Government first sent to the United States in 1980, approximately, in the Mariel boat lift for the purpose of infiltrating the anti-Castro, Miami-based group known as Alpha 66. Later, he testified, he was instructed by his superiors in the Cuban Ministry of the Interior to infiltrate drug dealers in the Bahamas and to learn how to buy and sell drugs in the United States. Estevez' control officer told him "it is important for us to fill the United States with drugs." Estevez testified at trial about how he came to captain the *Lazy Lady* to Paredon Grande.

Estevez further testified, again, in open court at the trial in Miami, that his Cuban Government control officer ordered him to go to Bimini in the Bahamas in late September or early October 1980 to meet with the Cuban Government agent known as Frank Bonilla, the owner of the *Lazy Lady*. Bonilla ordered Estevez to captain the ship, with Perez on board, to Guincho Key where they were to meet the boat, the *Viviana*. The reason for the trip was because they could not locate the two offload boats Perez had originally sent out. At Guincho Key, which is, as I said, approximately 15 miles from the Cuban coast, the *Lazy Lady* developed engine trouble and was forced to go to Paredon Grande in Cuba where the mother ship, the *Viviana*, was anchored.

Estevez also testified that he, Bonilla, and Perez met, themselves, with Rene Rodriguez, the Cuban president of ICAP, and with Aldo Santamaria Cuadrado, the Cuban Navy vice admiral, two high-ranking members of the Castro government who were safeguarding the 10 million quaalude tablets on the mother ship *Viviana*. Estevez testified that Santamaria, the Cuban Navy vice admiral, introduced himself as Rene Baeza Rodriguez and joked about Estevez' drug smuggling. "He touched me, put his hand on me and said to me, 'Finally you're going to have a pharmacy in Miami'."

Estevez also testified that, acting on orders from his Cuban Government control officers, he smuggled cocaine into the United States and carried more than $2 million in proceeds from cocaine trafficking back to Cuba.

Each of these witnesses testified at the trial to a different role in the chain which took drugs from Colombia through Cuba and its waters to south Florida. In addition to the trial testimony of these witnesses, Coast Guard officers testified to sightings relating to the dumping of methaqualone tablets off the *Lazy Lady* because of imminent Coast Guard interdiction. Finally, photographs of meetings of some of the participants were admitted into evidence, and these, as well, have been made available to the joint hearing and these committees.

The evidence presented at this particular trial is one example, I believe, of the international character of drug trafficking. We continue to receive evidence that enormous quantities of drugs, primarily cocaine, methaqualone, and marihuana come from South and Central America through the Caribbean basin into south Florida for distribution throughout the United States. Hopefully this hearing and the continued concern of the American public and their representatives will provide us with the tools to continue the effort to disrupt, dislocate the chain of drugs flowing into the United States.

I thank this committee and this joint hearing for calling me, and I am prepared to answer any questions that you may have.

Senator HAWKINS. Senator Denton.

Senator DENTON. Thank you, Senator Hawkins.

I want to express my admiration to you, Mr. Marcus, for the thoroughness of your summary and for the moderate manner in which you presented it.

From your rather deep and broad perspective on this situation, how would you comment to the following? In response to a question on evidence of Cuban Government trafficking in drugs, FBI Director William Webster said, on "Face the Nation" last Sunday, that, "I think that the most that can be said with certainty is that some drug traffickers have enjoyed a degree of safe harbor in terms of ships and supplies pausing in Cuba." I don't have the full quote. In other words, he asserted that he has seen no confirmation of evidence of a concerted effort by the Cuban Government to facilitate the drug trafficking.

I recognize, as you mentioned earlier, that we have not brought to trial the four men indicted, the high Cuban officials. I recognize that even if we had and those men were found guilty, there would still remain a possible distinction between the involvement of high officials of the Cuban Government as individuals, versus the conclusion that their participation collectively represented an official Cuban governmental participation.

Your investigation has led to the indictment of those four men: Rene Rodriquez Cruz, Fernando Ravelo Renedo, Gonzalo Bassols Suarez, and Aldo Santamaria Cuadrado, who happens to be a vice admiral of the Cuban Navy.

I would ask, now, Madam Chairman, unanimous consent, that the indictment returned against those aforementioned individuals be made a part of the record of this hearing.

Senator HAWKINS. It is so ordered.

[The indictment is found in the appendix as exhibit 2, beginning on p. 100.]

In fact, we are going to enter into the record the relevant portions of the testimony from the transcript of the "Jaime Guillot Lara" case which was tried in the U.S. District Court in Miami in February 1983. Three of our witnesses today testified in that trial.

Sentor DENTON. Would you comment on Mr. Webster's statement? I have to assume that you would be satisfied that all of the aforementioned defendants were part of a conspiracy which involved the Cuban Government's forbearance and, perhaps, direction. I intend to also pursue this line of questioning with our former Ambassador to Colombia and other witnesses.

Mr. Marcus. Senator Denton, I sign all of the major indictments that are presented to the grand juries in the Southern District of Florida.

I personally signed this indictment. Before I did, I reviewed the facts in detail and at length with supervisors in my office, who also reviewed the indictment and with a variety of special agents employed by the Drug Enforcement Administration. The facts, as I know them, and the facts as they were developed at length in a 3-week trial in Miami, fully supported, in my view, the charges contained in those counts and in the indictment before this committee. The facts support the charges contained in the indictment.

Senator Denton. I am not questioning the well-documented nature of the indictments and the fact they would probably be found guilty.

I am asking you about the distinction between their individual involvement and the conclusion that the Cuban Government is involved. Is it accurate or fully inclusive of an appraisal of the situation to say that the most that can be said is that some drug traffickers have enjoyed a degree of safe harbor in terms of ships and supplies pausing in Cuba.

Would that be the most that could be said, in your view, or would you think that, logically, inferences should be drawn that the Cuban Government is aware of or is permitting or even actively officially participating in this activity?

Mr. Marcus. Let me come at the question this way, if I might, Senator. The evidence that was developed at trial made clear that four high-ranking officials of the Government of Cuba were involved in a conspiracy to import narcotics, in this case methaqualone tablets and marihuana, into the United States.

Two of them held the position of being members of the Central Committee of the Communist Party of Cuba. One of them was the president of ICAP, a ranking organization of the State of Cuba. One of them was the vice admiral of the Cuban Navy. Two of them were part of the diplomatic commission of the Government of Cuba to the South American Government of Colombia, the Cuban Ambassador to Colombia and his first minister.

The evidence, additionally, revealed that control officers from the Cuban Ministry of the Interior sent Mario Estevez Gonzalez into the United States with instructions to become involved in particular narcotics operations. I think it is a fair and accurate statement to say that some of the major organs and institutions of the State of Cuba and high-ranking officials belonging to those organs and institutions of state, were, as charged, involved in the importation and smuggling of these narcotics into the United States.

I would add that the evidence also developed indicated that Cuban gun boats facilitated the protection provided to the ships as they traveled through Cuban waters ladened with narcotics, and, finally, that these ships were resupplied and provisioned in Cuban waters for their journey to the United States, indeed, to south Florida.

So, I think, Senator, it is a fair inference to state that major organs and institutions of the State of Cuba were involved, and that some of its high-ranking officials, the ones we've indicated here in this statement, were involved as well.

Senator DENTON. At this point, before turning it back to Madam Chairman, I would point out that David Perez testified that, from conversations with Jaime Guillot Lara, that the Cuban Government—underline Cuban Government—expected to receive approximately $800,000 from the sales of 10 million methaqualone pills and approximately 23,000 pounds of marihuana.

Do you put any credence in that?

Mr. MARCUS. The evidence that was developed at trial was corroborated, and five of the defendants who were tried were convicted, yes, sir. I would also add, in that regard, Senator, in connection with some of the early conversations that occurred between Crump and some of the other defendants who were tried, including some ranking officials in the Government of Cuba, there was an indication that the Cuban Ambassador to Colombia would go back and seek approval from Havana for the operations, and, subsequently, came back and indicated that he had so received that approval.

Senator DENTON. Thank you, Mr. Marcus.

Thank you, Senator Hawkins.

Senator HAWKINS. Mr. Marcus, is there any doubt in your mind that the Government of Cuba is assisting international drug smugglers in reaching the United States?

Mr. MARCUS. I want to be very precise, Senator Hawkins, on this point. I think, as I said, that the evidence fully supports the charges contained in the indictment that high-ranking officials in the Cuban Government belonging to a variety of principal organs and institutions of state in Cuba were directly and immediately involved in smuggling narcotics into this country.

Senator HAWKINS. In your last answer to Senator Denton, you stated that the Ambassador, to your knowledge, would go back to Cuba and get permission—was that the term?

Mr. MARCUS. Yes, ma'am, that was, indeed, the testimony that was developed at the trial from Crump, and, I believe, some of the other witnesses as well.

Senator HAWKINS. Which would indicate that the sanctions of some members of the Government, if not——

Mr. MARCUS. I think that that is a reasoned inference that can fairly be drawn from the facts that were developed at that trial and in the course of the investigation, yes.

Senator HAWKINS. Based on your investigation of the *Jaime Guillot* case, what is your perception of the duration and the level of involvement of the Cuban Government in international drug trafficking?

Mr. MARCUS. Starting with the facts that were developed, Senator Hawkins, in this case——

Senator HAWKINS. Yes——

Mr. MARCUS [continuing]. And brought out at trial in this case, the timeframe involved in the indictment was roughly a 2-year period of time running from sometime in or about 1979 through sometime in or about the middle of 1981, so, we are talking about, roughly, a 2-year period of time.

Second, the narcotics and controlled substances involved included something in excess 10 million methaqualone tablets, and, specifically, the evidence at trial indicated that there were a number of major shipments of marihuana that were designed and intended to come into this country as well: 23,000 pounds on one occasion, I believe, and 25,000 pounds on another occasion.

Finally, the evidence at the trial made clear that the operation that Guillot Lara was seeking to set up was not designed and intended to be a single, discreet, one-shot deal but, rather, it was intended to operate over an extended period of time.

Senator HAWKINS. On April 28, 1983, which was just recently, you announced the sealed indictment of the former Bolivian Minister of the Interior, Col. Louis Arce Gomez, and six other senior members of the Bolivian Government on charges of conspiring to import hundreds of pounds of cocaine into the United States and to distribute it here, in Miami.

Would you give us some information, or can you give us any information on this indictment?

Mr. MARCUS. I am, Senator, limited by law——

Senator HAWKINS. I understand——

Mr. MARCUS [continuing]. In many ways because the matter is under indictment and pending in Federal court. An indictment was handed up, however, in Federal court, an indictment that was returned by a Federal grand jury just this past week, April 26, 1983, that charged former officials of the Bolivian Government, including the former Bolivian Minister of the Interior, Justice and Immigration, Luis Arce Gomez, a variety of his deputies and a variety of prosecutors in Bolivia, and police chiefs in Bolivia and narcotics officials in Bolivia with conspiring to import—to smuggle into the United States hundreds of pounds of cocaine.

I should add that they are, at this point, charges. The Government, of course, bears the burden of proving these charges beyond a reasonable doubt in Federal court, and it would, I think, perhaps, be inappropriate for me to go beyond simply laying out what those charges are at this time.

Senator HAWKINS. Thank you so much.

Senator Helms, do you have questions of this witness?

Senator HELMS. Thank you, Madam Chairman.

Mr. Marcus, you became U.S. attorney when?

Mr. MARCUS. March 29, 1982.

Senator HELMS. Just a little over a year ago.

Mr. MARCUS. Yes, sir.

Senator HELMS. That was a lucky day for south Florida, based on this man's testimony this morning, and I commend you.

What resources did you find available to you for addressing the drug problem when you took office?

Mr. MARCUS. There has been, Senator, a very substantial increase in Federal resources available for this job. As you well know, at the request of the President, Vice President Bush took charge of a task force designed and intended to increase Federal efforts down here to pool together the resources of a variety of Federal departments and agencies, including the Defense Department, the State Department, the Transportation Department, the Treasury Department, in addition to the already active efforts of the Attorney General, and the

Department of Justice. Hundreds of new agents have been added, new ships have been deployed in the Caribbean, increased air wings have been added, increased radar has been added, increase in the number of prosecutors——

Senator HELMS. What about the Coast Guard?

Mr. MARCUS. Yes, sir, there has been a substantial increase in the operations and activities of the Coast Guard, which is an organization principally involved in the interdiction efforts as far away from our shores and as close to the foreign sources as we can reasonably get.

The resources have increased substantially. The problem remains an extremely serious and difficult one and one that will not soon go away.

Senator HELMS. So, I take it that you are getting what you consider to be the full cooperation between Federal and State agencies.

Mr. MARCUS. In addition to that, relations with the Federal law enforcement authorities down here, the State of Florida, the State attorney in Dade County and, indeed, with State and local law enforcement authorities has worked quite well.

Senator HELMS. Just as a matter of personal interest, how do you decide whether it will be a Federal indictment or State indictment?

Mr. MARCUS. It might initially depend on which investigative agency is involved. If, for example, the Drug Enforcement Administration or the FBI, the two principle agencies in the investigation of major narcotics cases——

Senator HELMS. But not necessarily——

Mr. MARCUS [continuing]. Right; there might be others, as well, but if they are involved, the Federal agents are involved, the likelihood is much greater than not that the case would remain a Federal case.

On the other hand, it might begin as a local case, and, for a variety of reasons, become a Federal case. For example, if it crosses State boundary lines from Florida to Georgia or South Carolina, North Carolina, right up the Atlantic coast, the need and involvement for Federal authorities with national jurisdiction might become much greater. If it involves ships on the high seas, it would necessarily involve the Coast Guard as well as become a Federal case, but there is a good deal of movement in this district back and forth between Federal and State authorities depending on the best tactical or strategic advantage we can get.

Senator HELMS. It is a credit to everybody to do so. I doubt that that question will be a great inhibition.

Let me say, as a North Carolinian who lives just up the way from Florida, that I applaud the South Florida Task Force and all the work you have done. I must also say, in the next breath, what you have done is, you have sent these traffickers around by Bermuda, and they are finally landing in North Carolina. We have an enormous problem there.

I am very interested in the item on the first page of your statement, where you gave the arithmetic of the known shipments of various drugs, and, of course, nobody knows for sure. What you do know is that these are probably far short of what actually is coming in. The Coast Guard, I believe, estimates that they are able to interdict one out of six shipments into this country, but you used the figure of 4 metric tons of heroin. I am not going to get into how many pounds are in a metric ton. I think it is something like 2,200——

Mr. **Marcus.** Right.

Senator **Helms.** But just doing a calculation here, now, 4 metric tons of heroin, and this is just one of the drugs you mentioned, comes out to be 3,400,000 fixes of just one drug. I mean, that is a conservative estimate, and if the Coast Guard is anywhere near correct in saying that they, at best, are able to interdict 1 out of 6 shipments, and all of this is hypothetical, you are talking about 40, 50, and 60 million fixes on just one drug.

Mr. **Marcus.** I think the quantity of heroin entering this country is simply staggering, and the cost in human life is enormous.

I should, if I might, Senator, add one additional fact in relationship to the observation that you made that some of the narcotics that have been entering through south Florida has been displaced or, basically, kicked up further north along the Atlantic coast. In substantial recognition of the fact that this problem is a grave national problem, the President and the Attorney General of the United States recently announced the creation of 12 regional task forces designed and intended to address the problem of major cartels and narcotics organizations involved in smuggling narcotics into this country, really, throughout the country and one of the regional task forces already operating is operating out of Atlanta, Ga., covering——

Senator **Helms.** You are exactly right, but that unmasks the problem that the Coast Guard has, the lack of personnel, ships, boats, technology, and so forth.

We have done a little study, and in order to bring the Coast Guard into a fighting chance to cope with these highly financed and well-equipped traffickers, we are talking about something like $600 million. Now people get aghast at $600 million for the Coast Guard, and my answer to that is that whatever it costs to bring this problem under control and to stop this drug trafficking is a bargain because, as I said at the outset, if we don't solve this problem, Mr. Marcus, we are not going to solve any other problem.

You can look at other nations that have arisen to prominence way back in history, and many of them got in this drug kick and other degenerate practices, and down they went and down they stayed. So I don't want any of my constituents to yell at me about saying we ought to spend whatever is necessary in terms of the Coast Guard, in terms of law enforcement, and I hope that you will let Senator Hawkins know what you need in terms of help. I have said the same thing to the U.S. attorney in North Carolina because we have to bring this problem under control.

Thank you, Madam Chairman.

Senator **Hawkins.** Do you have any other questions?

Senator **Denton.** No.

Senator **Hawkins.** Thank you, so much, Mr. Marcus. We appreciate Mr. Gregorie's being with you here today. We also appreciate your brilliant service in spearheading the South Florida Task Force.

Mr. **Marcus.** Thank you very much.

Senator **Hawkins.** Thank you.

We will next hear from Mr. Johnny Crump, a major drug trafficker who is now in the Federal Witness Protection Program.

Mr. Crump, would you please raise your right hand?

You do solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. CRUMP. I do.

Senator HAWKINS. Please be seated.

I understand you have an opening statement, Mr. Crump, and we would be glad to hear it at this point.

TESTIMONY OF JOHNNY CRUMP

Mr. CRUMP. Right. In the end of 1975, after Colombia beginning again diplomatic relations with Cuba, I met the Cuban Diplomatic Fernando Ravelo Renedo, Ambassador, and his First Secretary, Gonzalo Bassols Suarez.

In 1979, when I move with my family from Barranquilla to the capital, Bogotá, our relationship was more closely. At this time, they know that I was involved in the narco traffic, but was in the eighties when we talk about use Cuba like an overstop for the drugs to the United States. In this meeting was Jaime Guillot Lara, which they know that day between me.

Between the paying $700,000, the dream of any narco traffickers to have a point at 90 miles from Florida will be true. In August of that year, after my last daughter was born, which Ravelo was her godfather, we agree all of the ties and we send the first boat.

One week later, I flew to Cuba with Ravelo. Everything was under the schedule. The boat, named *Viviana*, like my daughter, with Panamanian flag was in the north of Cuba in Sagua la Grande, but, according that Jaime tell us later, his connection here, in Miami, don't be in the place at the time because the North American Coast Guard has blocked the Florida coast because the boat lift of the Mariel. Then the drug, 5 millions of Quaaludes, pills, was throwed to the water.

Even in my arriving to Cuba, that the same thing that with my departure, that is, my arrival was August 14 and my departure was 27 of the same month, nobody asked me for passport. In both case, the car was waiting for us near to the plane in the same field. I was in the Havana Libre and they assign to me a car that was driver for a man called Radames, a veteran from the Sierra Maestra and Angola, who was with me all the time I was in Cuba.

During this time, Ravelo and Norberto de la Osa, former Cuban Ambassador in Venezuela, which I met in this time, they confirm me that the *Viviana*, the boat, had the security of the Cuban Navy all the time that was necessary. When we was again in Colombia, Jaime beginning to fix another boat that was sent in the end of the 1980, November, October. The boat was seized by the Cuban Navy and taken to Havana. Then they asked between telex to Ravelo if the boat was in the deal that we made. Then, as soon as Ravelo give the green light, they full up the boat with fuel and food and the Navy, the Cuban Navy, go to the boat to the point where they was supposed to meet with me—Jaime's friend to pick up the marihuana. In this time was 30,000 pounds of marihuana.

Later, that Ravelo and the commander, Rodriguez Cruz, which I meet in the beginning of the 1980, and I meet again in Cuba when I was in Cuba, they talk to me the possibility of buy and send to Chile between Panama weapons for some people that was against General Pinochet.

A week later, one of the supposedly Chileans that his name was Dr. Galvan give to me a microfilm in a cigarette that contained a list of weapons, food, and ammunition for 300 men. In way to buy the weapons and fix boats and everything to send that merchandise to Chile, I flew to Miami to try to collect some money for my business, drug business, and, according to Jaime to try to collect the money his connection owed to him.

In the beginning of 1981, when I was in Miami, the Colombian Army detect and destroy a group of guerrillos or guerrilleros that tried to go into Colombia in the south of the country through the Pacific coast. Casually, the same area where the Comandante Rodriguez Cruz asked me to go with him in a boat in the end of the 1980.

The commander of this group of guerrilleros was the Dr. Toledo Plata, one of the leaders of the M–19, and Rosenberg Pabon Pabon, commander one of the group that took the Dominican Embassy in Bogotá and after that flew to Cuba.

At the same time, in the same Pacific coast, but at the north of the country, the army find another guerrilla, group of guerrilleros at the commander of Carmenea Cardona Lachiqui that was the guerrilla dealing from the M–19 group during the 2 months that take the Dominican Embassy affair that supposedly was in Cuba and—not supposedly, he flew to Cuba with Ravelo, the diplomatic and the M–19 people.

One of the guerrilleros give the testimony that he was in Cuba all this time, and after that, they fly to Panama and from Panama they took the boat named *Freddie* to Colombia. Colombia broke the diplomatic relations with Cuba, and then, from Panama, after the broke of the diplomatic relations, Bassols, with Jaime call me to Miami.

Then, again, the Chilean, Dr. Galvan, ask me about if I remember the microfilm. At this time, the Dr. Galvan, name was Mariano, they asked me to try to find—to buy the weapons here, in the United States and send it in planes that will be in Colombia to take drugs from Colombia, but at the same time, Jaime, with some money that the M–19 give to him, send a boat with 40,000 pounds of marihuana. The boat, again, named *Viviana,* was sent to Cuba for some people in New York. The people asked to Jaime that make an appointment in a point between Cuba and New York, but when the boat was in front of North Carolina was taken for the American Coast Guard and taken to Charlotte.

The crew was sent back to Colombia because the detention was in international waters. I believe that is one sailor, here, in the United States, that was the only one that was taken to jail. His name is Libelino Oribo Michelena.

Again, they ask me to buy some weapons, even a few because Jaime was in a big problem with the M–19 and with the Cubans. With some money that somebody here give to Carmen Blanco, Jaime's girlfriend that was here, in Miami in that day, I buy about $15,000 in weapons. Fortunate, the weapons never go out from Miami.

Carmen Blanco, Jaime's girlfriend, flew to Mexico to talk with Jaime. During the time that she was there, Jaime call me and tell that don't worry about the weapons because they make successful an operation headed by Jaime. He told to me that, in the meantime, that his friend don't leave free the driver of the truck, he will not have any kind of problem, but the mystery of the C–46 plane that the army find in the middle of the river in the Amazonic jungle in Colombia was clear when the M–19 free the pilot. He give testimony that he load the weapons in a field for narcotic use in the north of the country. Then, investigation jumped from that field to the boat *Zar* named before *Monarch* and its crew and from there to the owner, Jaime, who immediately flew to Managua, Nicaragua, where he talked to Jaime Bateman Cayon, maximum leader of the M–19.

Later, a few days later, Jaime flew again to Mexico where the Interpol with the Mexican police capture him. When Carmen Blanco flew again to Miaimi, she tell to me—she complete to me the history about what happen. In that moment, and with the testimony that I see in the newspaper, Colombian newspaper of the testimony that give the guerrilleros that was in jail in Colombia, I see the picture of the send Dr. Galvan, who later call himself Mariano, was really Ivan Marino Ospina, the second man in the M–19, who, with Bassols and Jaime, call me from Panama and Mexico to ask me to send the weapons to Colombia.

In 1981 and 1982 I was arresting with the charge of narco traffic. From the FCI, they send me to the North Detention Center. The newspaper talk to me first about my relation with Cuba and Jaime Guillot, and, later, when I made a decision to collaborate with the North American Government, again the paper talk this, about my decision.

Then, when I was in this jail, a Cuban named Mario Estevez talked with me in the jail and said that he was a sergeant from the DGI, Cuban Secret Police, but that he was interested in deserting. Estevez was present in two or three boats that Jaime sent with marihuana and quaaludes to Cuba. He was one of the in-charge with David Perez and Clement, the French, Jaime's connection in Miami to bring the drug from Cuba to the United States.

In this same jail, I met a Colombian captain boat that tell me that the owner of his boat, Rene Benitez, a Cuban that come in through El Mariel the same thing like Estevez.

In that day, this man, Benitez, was—try to kill two DEA men in Cartagena, Colombia, that tried to catch him. They have the same connection that we have for the narco traffic with the Cuban Government.

That's all.

Senator Hawkins. Thank you, Mr. Crump.

May I ask you, at the outset, have you ever been questioned by the FBI?

Mr. Crump. No.

Senator Hawkins. Senator Denton?

Senator Denton. That is one of the reasons I pursued the line of questioning with Mr. Marcus.

I believe that both the FBI and the DEA are stretched in performing their tasks, and I know sometimes the FBI has not been able to find the time to interrogate people like Mr. Johnny Crump nor even to read some of the reports which bear on this issue. I appreciate your asking that question.

Senator HAWKINS. Mr. Crump, we have a collection of photos that we are going to show on the screen, and we would like you to identify them, please, as we project them.

[Two photos were shown on the screen.]

Mr. CRUMP. The person in the middle is myself. Then on my left is Fernando Ravelo Renedo, the Cuban Ambassador, and on my right is Gonzalo Bassols, his first secretary——

Senator DENTON. Madam Chairman, may I clarify?

Was that the witness with the two aforementioned high-ranking Cuban officials?

Senator HAWKINS. Yes.

Mr. CRUMP. Right.

Senator HAWKINS. Excuse us, at the moment we welcome Senator DeConcini to our hearing.

Please show those photos.

Senator DeConcini, we are showing some photos on the screen for Johnny Crump to identify for us. These were used in evidence in the *Jaime Guillot* case.

Mr. CRUMP. On your right is Jaime Guillot Lara. I don't know the person on the left.

[The photographs on the screen were changed.]

Mr. CRUMP. That is two pictures taken at the baptism of my daughter, Viviana. In the center of the picture, on my left, is Ambassador Fernando Ravelo Renedo and his wife.

Senator DENTON. May I ask a question, Madam Chairman?

Senator HAWKINS. Yes.

Senator DENTON. Is that the Cuban Ambassador to Colombia?

Mr. CRUMP. Right.

[The photograph on the screen was changed.]

Mr. CRUMP. That is the commander, Rene Rodriguez Cruz, president of the ICAP.

[A card was shown on the screen.]

Senator HAWKINS. Can you see that? Do you need your glasses?

Mr. CRUMP. Yes.

Senator HAWKINS. You can get up closer if you like.

Mr. CRUMP. That is a card that the Senator—I mean, the Ambassador Ravelo give to me.

Senator HAWKINS. His calling—his business card?

Mr. CRUMP. Business card, right.

Senator HAWKINS. His business card.

[A photograph was shown on the screen.]

Mr. CRUMP. That is the boat, *Monarch*, named the *Zar*. His owner was Jaime Guillot Lara.

Senator HAWKINS. Thank you. Those are all the photos we have. You may be seated again, Mr. Crump.

You stated the name of the four Cuban officials that were indicted during the *Jaime Guillot* case and your relationship with them. In your opinion, were their actions isolated acts by individual corrupt Cuban officials, or do you feel that there could have been or that it was the action of the Cuban Government?

Mr. CRUMP. For sure that was action of the Cuban Government. Like I say in my statement, I meet Ravelo for 5 years before, and he was doing that because it was his ideology. In his way, he was an honest—he is an honest man in his way, I believe, and I am sure that he never do something to or for his own benefit, first, and, second, it is impossible in a country like Cuba that you can do all these things like when I was in Havana to go through the customs, to not show my passport——

Senator **Hawkins**. Customs.

Mr. **Crump**. Customs. Have a car with driving—with a driver all the time that I was in Cuba. That means that the Cuban Government was involved in the thing. That was not a personal—was not Ravelo or Bassols or somebody personal that was involved in the business. That was the Cuban Government that was involved.

Senator **Hawkins**. What was the goal of the Government of Cuba in promoting drug trafficking to the United States?

Mr. **Crump**. I believe—I don't believe that was make money. I believe that was try to hurt in any way the United States.

Senator **Hawkins**. Who told you that?

Mr. **Crump**. In the beginning, when we beginning to talk, Jaime said that he wants to leave clear that if the business will be OK, we pay the amount of $700,000, but if we lose the merchandise, then we cannot pay the amount. Then they say, Ravelo and Bassols, that, don't worry, that they can wait, and they don't care about the money—OK?—that—because his goal was hurt the United States full with drugs.

Senator **Helms**. If you will yield——

Senator **Hawkins**. Yes.

Senator **Helms**. What you are saying is that Castro's government was underwriting this in a campaign to destroy the United States, is that what you are saying?

Mr. **Crump**. Right.

Senator **Hawkins**. Do you have any knowledge if Cuba is assisting the illegal entry of Haitians into the United States?

Mr. **Crump**. Not directly, Senator, but in all this years that I was close with these people, they explain to me that, like a human act, they help the Haitians when they hit the Cuban coast, giving food and fuel and everything that they needed, but they don't keep them in Cuba, they help these people to continue this way.

Senator **Hawkins**. On their way to the United States?

Mr. **Crump**. Yes.

Senator **Hawkins**. Do you have any idea how many Haitians are currently in Cuba?

Mr. **Crump**. No, Senator.

Senator **Hawkins**. Senator Denton, do you have a question?

Senator **Denton**. Yes.

I would preface my questions with the statement that having jurisdiction over the Drug Enforcement Administration takes me into this field and having jurisdiction over the FBI and the responsibility toward terrorism takes me into this field. There are many crossings of relationships in our investigations of terrorism and of the illegal drug traffic.

For example, to corroborate the witness' statement that the objective of the Cuban Government is to destroy the United States, and that, in his view, this drug traffic was supported by the Cuban Government to contribute toward our dissolution, our destabilization, I wish to mention that a Cuban DGI defector testifying on the subject of terrorism by the Cubans and of their political intent toward the United States, testified at great length before our Subcommittee on Security and Terrorism regarding his experiences as a member of the Cuban DGI. Among the topics he discussed was the transition of the Cuban DGI from a relatively unsophisticated organization without a great capacity for gathering intelligence on politics, economics, and so forth in the United States, the transition from that to a very sophisticated, well-financed organization after the KGB took over the operations and after the Soviet Union began its unlimited financing of the DGI.

During that transition, they broke up the DGI into departments, such as economic intelligence, and they were told that their target, whether they were operating in Angola, whether they were operating in El Salvador, whether they were operating in Colombia, all of the operations that the DGI was conducting should be done with the United States as the sole objective or target. Any preliminary steps, such as the overthrow of governments, of free governments, democratic governments in this hemisphere were with that end in mind. With that preface, I would like to make sure that I understood Mr. Crump.

As I understand it, Mr. Crump, it was in November 1979, in a joking fashion that the question first came up about Cuba being used as a stopover for narcotics shipments to the United States.

Mr. CRUMP. Yes, sir.

Senator DENTON. It was then later, in July 1980, that you were in Bogota and you asked your friend, Ravelo, the Cuban Ambassador to Colombia about this matter again, and Ravelo sent a telex to Havana requesting—well, you asked him for information about the release of a man named Masters, who had been incarcerated by the Cubans for drug trafficking, and Ravelo sent a telex to Havana requesting information about that gentleman and received, in return, a complete list of United States and Colombian citizens in jail in Cuba on narcotics charges. Also, on that list was the name of the boat *El Bravo* and Ravelo showed you the whole list and asked if you knew anyone on it.

Ravelo told you that for a price, certain individuals might be freed by the Cuban Government.

May I ask, was that telex which was used for that communication and others later, was that telex the official telex in the Cuban Embassy in Colombia?

Mr. CRUMP. Yes, sir. All the times that we talk about this business was in my home or in Bassols' apartment, Ravelo's apartment, and the communication that they made was from the Cuban Embassy in Bogotá.

Senator DENTON. Thank you, sir.

You, then, have indicated that, in the meantime, Jaime Guillot Lara arrived in Bogotá and that Ravelo told Guillot and yourself that Ravelo remembered the conversation about Cuba being used possibly as a stopover point for the drug trade, and he said, Ravelo did, that if you all were serious about this issue, he would have to get permission from his superiors by telex before he could answer. Then Ravelo used the same telex, I presume, and I see you nodding in the affirmative, and he got an answer from Havana which was in the affirmative. You have also indicated that you think that Ravelo was such a man that he would not fake such an incident, that he, indeed, would have, according to your knowledge of his nature, been telling the truth when he said that he sent the telex to Havana and got the response.

Would you give the approximate date of that?

I am interested in the date, if you can recall it, when Ravelo sent and received the information which more or less officially made or gave the assent for Cuba being the stopover point.

What is the date of that telex?

Mr. CRUMP. That is impossible to remember, sir, but anyway, it was between March to July 1980, but the exact day right now, for me, is impossible to remember.

Senator DENTON. All right. Thank you, sir.

Did you understand all that I have been saying?

Mr. CRUMP. Yes, sir.

Senator DENTON. Is there any error in what I have been saying? Is there any mistake regarding the statements that I have just made?

Mr. CRUMP. No, sir. Everything is——

Senator HELMS. What was his answer?

Senator DENTON. He said, no, there was no mistake; that I have made no mistakes. That is enough for me, Madam Chairman.

Senator HAWKINS. Senator Helms, would you like to question this witness?

Senator HELMS. Yes, I would, but I would like to defer to Senator DeConcini.

Senator DECONCINI. I have no question for this witness, thank you.

Senator HELMS. Mr. Crump, you are under oath; aren't you?

Mr. CRUMP. Excuse me, sir.

Senator HELMS. You are under oath to tell the truth?

Mr. CRUMP. Yes.

Senator HELMS. And you, being a lawyer, best of all understand the implication of that.

Mr. CRUMP. Right, sir.

Senator HELMS. So, everything you are saying here, you are swearing to; is that correct?

Mr. CRUMP. Right.

Senator HELMS. Very well. When did you get into the drug business?

Mr. CRUMP. 1975, 1976.

Senator HELMS. You don't recall precisely, 1975 or 1976? All right. What drugs did you deal in, primarily?

Mr. CRUMP. Marihuana.

Senator HELMS. Marihuana?

Mr. CRUMP. Right.

Senator HELMS. Anything else?

Mr. CRUMP. I believe that one or two times quaaludes, methaqualone, quaaludes——

Senator HAWKINS. Quaaludes.

Senator HELMS. No cocaine?

Mr. CRUMP. Yes, sir, but not directly, myself. I mean, I help to make one business of cocaine, but I was not directly involved like in the marihuana business. That means that the marihuana, I go to the field, buy the marihuana and do all the things.

Senator HELMS. All right. Heroin?

Mr. CRUMP. No sir.

Senator HELMS. No heroin?

Mr. CRUMP. No.

Senator HELMS. All right. Now, the drug smugglers are a bunch of bums, as far as I am concerned. How important is the money, the financial support given by Castro's government to their overall operation?

Could drug smuggling really thrive? Could it survive even without the help of Castro's Government of Cuba, directly and indirectly?

Mr. CRUMP. Sir, you are asking me if they could survive even if Castro don't give the help to use Cuba?

Senator HELMS. Let me put it this way: Without the participation, the financial participation and the other assistance given by Castro's government, to which you have testified here this morning, to what degree would drug smuggling be diminished or reduced?

Do you understand the question?

Mr. CRUMP. Yes, sir. I cannot say that, sir, really.

The thing is that, like I say in my statement, half a point, like Cuba, 90 miles from Florida, as a secure point, that means that a complete government is behind you, is a dream. I mean, it is something that you cannot find in any country, even in Bahamas. Bahamas, you have to pay some police to do that, but you don't have the 100-percent security because, if you pay some police in Bahama, even could have the problem with another—navy—Bahamian Navy, or another police, but this way, you are going to have all the 100-percent security.

Senator HELMS. Well, my question is a little unfair to you because I am asking you to give a definitive, arithmetical answer when nobody on Earth can give that; but is it fair to say, in your opinion as a participant in drug trafficking, that without Cuba and its participation there would be a material reduction in the tons and tons of drugs coming into this country; is that a fair statement?

Mr. CRUMP. I will say, sir, that they will find any way. If they don't have Castro, they will find a way to come into the United States. I mean, Castro is not a mean point. If you don't have Castro dealing with drugs, you are not going to reduce the drugs.

Senator HELMS. I see.

Mr. CRUMP. Because they go another way, different than Cuba and already they are doing that. That mean that it is not so important have Cuba. It is important, right, but if you don't have, you are not going to drop the quantity of the drug that are coming here, into the United States.

I don't know if that is the question that you are asking me.

Senator HELMS. Is Castro assisting distribution from other shipping points, points of origin elsewhere in the region?

Mr. CRUMP. I don't know, sir.

Senator HELMS. You don't know.

Mr. CRUMP. I only know this man that I say, this Colombian captain boat that was work with Rene Benitez, but besides that was only one time that I meet with two men that was deal in narcotics and was in the Cuban Embassy one time, and I ask them, and they tell me that one was trying to leave free his brother that already was in Havana in jail, and the other one was a buyer of a dream boat made in Cuba, but I cannot say for sure that they was dealing with the Cuban Government.

Senator HELMS. But it is your impression that Cuban embassies are used, I am asking only for your own knowledge, based on your experience, would lead you to believe that they are using the embassies for that function?

Mr. CRUMP. Yes, sir.

Senator HELMS. And you have no doubt about Cuban agents in the region participating?

Mr. CRUMP. No, sir, I am sure.

Senator HELMS. Thank you, Madam Chairman.

Senator DECONCINI. Madam Chairman, I will proceed very shortly.

Mr. Crump, did you consider yourself a major marihuana drug traffiicker in Colombia?

Mr. CRUMP. I would say I was in the half, in the middle.

Senator DECONCINI. Middle half.

Did you work for yourself or did you work for an organization?

Mr. CRUMP. For myself, and sometimes, when I was in Colombia dealing in drugs, sometimes we make, like a pool, two or three different organizations to——

Senator DECONCINI. When you bought your marihuana, did you take it upon yourself to see that it was shipped out of the country?

Mr. CRUMP. Sometimes I was present.

Senator DECONCINI. How did you generally ship it?

Mr. CRUMP. Ninety percent I send it in planes.

Senator DECONCINI. In planes, and those planes were destined for where? Did you know where they were going to go?

Mr. CRUMP. To here.

Senator DECONCINI. What parts of the United States?

Mr. CRUMP. Florida.

Senator DECONCINI. To Florida, primarily?

Mr. CRUMP. Yes.

Senator DECONCINI. Were those planes operated by Colombian pilots, American pilots, or a combination, or do you recall?

Mr. CRUMP. No; American pilots.

Senator DECONCINI. American pilots. Were they American airplanes?

Mr. CRUMP. Yes; American airplanes.

Senator DECONCINI. Did you have any contact, when you were in the marihuana drug-smuggling business, with the Colombian officials?

Mr. CRUMP. Sure, sir, you have to.

Senator DECONCINI. You have to?

Mr. CRUMP. Yes.

Senator DECONCINI. In order to continue to exist?

Mr. CRUMP. Right.

Senator DECONCINI. And survive?

Mr. CRUMP. Right.

Senator DECONCINI. And what kind of payment or contributions or involvement with the Colombian officials did you have?

Mr. CRUMP. In the time that I was dealing in narcotics, for example, little plane like an Aero Commander, 2,000 pounds of marihuana, you have to pay about $20,000 to have the protection of the Colombian Army.

Senator DeConcini. Who would you make payment to?

Mr. Crump. To the different officers that was in the area.

Senator DeConcini. Military officers?

Mr. Crump. Yes; military officers and police, too.

Senator DeConcini. And the police, too?

Mr. Crump. Yes.

Senator DeConcini. Did you have certain people you dealt with all the time, same people——

Mr. Crump. No, sir, they change it each 6 months, each 3 months.

Senator DeConcini. Was it recognized by those officers that people would come forward and make payments?

Mr. Crump. Yes.

Senator DeConcini. To permit planes to land and take off unidentified?

Mr. Crump. Sure, sir.

Senator DeConcini. Did you ever have any contact where the authorities said that they would not participate?

Mr. Crump. Not in Colombia.

Senator DeConcini. Not in Colombia?

Mr. Crump. No, sir.

Senator DeConcini. And how many shipments do you think you made yourself, in the period of time from 1975 until you ceased? Give me just an estimate. Ten? Twenty? A hundred?

Mr. Crump. I will say about 30 to 40.

Senator DeConcini. Thirty to forty during that period of time?

Mr. Crump. Right.

Senator DeConcini. Now, when you would send a shipment, about what was the value to you of that shipment? How much money would you make?

Mr. Crump. For example, in 2,000 pounds, a little plane with the arrangement of the police to pay the audit for the field I would say that you have to pay $20 for each pound, let's say, $30 for each pound, that means $60,000 cost.

Senator DeConcini. That was the cost?

Mr. Crump. Right, and the North American people, the connection, the owner of the plane paid to me about $60 to $70.

Senator DeConcini. The plane owner?

Mr. Crump. The pound.

Senator DeConcini. The pound?

Mr. Crump. Right.

Senator DeConcini. Let me get this clear. When you would buy the marihuana, who would you deal with? Who was the broker? The people who flew the airplane?

Mr. Crump. No. I buy the marihuana from the Colombian farmers.

Senator DeConcini. Yes. Who was your contact to get it into the United States?

Mr. Crump. Oh, North American people here.

Senator DeConcini. Here?

Mr. Crump. Right.

Senator DeConcini. People you would deal with as they came to Colombia?

Mr. Crump. Right.

Senator DeConcini. They would make an agreement for the amount they wanted and the time for delivery?

Mr. Crump. Right.

Senator DeConcini. And they would pay you upon delivery?

Mr. Crump. Right—no, they pay me after.

Senator DeConcini. After you delivered it?

Mr. Crump. Right.

Senator DeConcini. How about the pilots, did they pay the pilots, or did you?

Mr. Crump. They pay the pilots.

Senator DeConcini. You received a payment when you delivered the marihuana and you had to pay off the police——

Mr. Crump. Right——

Senator DeConcini [continuing]. And the military?

Mr. Crump. Right.

Senator DeConcini. And the purchase of the marihuana. What did you buy the marihuana for? What was the cost?

Mr. Crump. About $10, $15 a pound.

Senator DeConcini. $10 or $15 a pound?

Mr. Crump. Right.

Senator DeConcini. Not a kilo, a pound?

Mr. Crump. Right. A pound. To another expense that I believe that it is about $30 a pound.

Senator DeConcini. Without divulging any of your background that might be sensitive to your security, what business were you in before you started. Were you a practicing lawyer?

Mr. Crump. My family even still now, we have a dealer, a car business, car——

Senator DeConcini. Car business?

Mr. Crump. In Colombia. Yes.

Senator DeConcini. Did you get into this business for financial reasons?

Mr. Crump. Yes, sir.

Senator DeConcini. I have no further questions. Thank you.

Senator Helms. Madam Chairman, we have touched on a sensitive point with respect to the Colombian Government. Our Ambassador there, Dr. Tambs, says that there is growing hope for the problem that has just been described, and which Senator DeConcini has just pursued about activities in Colombia; there is great hope that we can at least diminish that sort of activity. I certainly hope so.

Senator Hawkins. Mr. Crump, do you see the map on the wall over there? If you would, stand by it. The marshal will help you over there.

Would you show us the routes that you used, the ports you used while you were in this business?

Mr. Crump. Normally, we dealing in this part of Colombia [indicating], which is Guajira, here, in about, I would say, 100 fields that can take it from Aero Commander to DC–6 planes. That means from 1,000 meters to 2,000 or 3,000 meters long, the field.

The planes normally fly to Florida. They could not fly over Cuba, but one time when we began the conversation with the Cuban Ambassador, he agreed with me that we can use Camaguey to landing and refuel the plane and that way can go into the United States, not Florida, but we never use it. Was only a conversation. We never do that.

Normally, the plane flying this way [indicating] or this way [indicating] to Florida.

In the boat, the boat coming to this part [indicating Yucatan Straits] of—between Mexico and Cuba from 2 years, 3 years ago, they have to change it because the Coast Guard, the American Coast Guard block this——

Senator HAWKINS. The Coast Guard blocked it?

Mr. CRUMP. The North American Coast Guard blocked——

Senator HAWKINS. The American Coast Guard blocked it.

Mr. CRUMP. The Yucatan Straits, I believe. Then they go this way [indicating] or this way [indicating]. Now, this way [indicating] is again blocked by the North American Coast Guard, OK? The boat that we sent it through Cuba go to here, Sagua la Grande [indicating] and Cayo Paredon Grande [indicating] and then, I believe that you have to here [indicating]. Then, from there the people from Miami that were supposed to pick up the drug in Paredon Grande, they stay in Cayo Guincho in the Bahamas and from there they coming here, to Florida.

Senator HAWKINS. It goes from Cuba to the——

Mr. CRUMP. Bahamas——

Senator HAWKINS [continuing]. Bahamas——

Mr. CRUMP [continuing]. And from there——

Senator HAWKINS [continuing]. Into Florida?

Mr. CRUMP. Florida.

Senator HAWKINS. Thank you very much, Mr. Crump.

Are there any further questions of this witness?

You may be excused at this time, Mr. Crump. Thank you. You may be excused.

Mr. CRUMP. Thank you.

[The transcript of the relevant portions of Mr. Crump's testimony before the U.S. District Court in Miami, Fla., in February 1983, is found in the appendix as exhibit 3, beginning on p. 113.]

Senator HAWKINS. At this time, we will call Mr. Perez, Mr. David Perez, who is a major—I don't know what the difference is between a major and a minor, did you get that figure, Senator DeConcini?

Senator DECONCINI. No. What is the figure, Madam Chairman?

Senator HAWKINS. I don't know, but the former witness said he was in the middle, so we will have to find out, but Mr. David Perez is a major Cuban narcotics drug trafficker who is now in the witness protection program.

We would like Mr. Perez to limit his statement to 10 minutes, and we will have his longer, prepared statement entered into the record.

Would you bring in Mr. Perez at the present time?

Senator DECONCINI. Madam Chairman——

Senator HAWKINS. Senator DeConcini, we should recognize you for your statement at this time.

Senator DECONCINI. I apologize for not being here on time. I would ask that at the appropriate place in the hearing, my opening statement be inserted.

Senator HAWKINS. Thank you. Your participation is very important.

Senator DENTON. Madam Chairman, I would advise our colleague there were some very nice things said about you before your arrival.

Senator DeConcini. I thank you. I thank Senator Denton. I am sure with the distinguished group here those are the only things that would be said.

Senator Helms. Not only were they said, but they were meant.

Senator Hawkins. Mr. Perez, would you stand and raise your right hand? We would like your testimony under oath.

You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Perez. I do, ma'am.

Senator Hawkins. Please be seated.

Proceed with your statement at this time.

TESTIMONY OF DAVID LORENZO PEREZ, JR.

Mr. Perez. In or about July 1980, Robert G. Clement, "the Frenchman," and Jaime Guillot Lara, a Colombian national, make contact with him at my home. At this time, I spoke briefly to Jaime Guillot Lara. He was interested in whether or not I could supply him with an airplane to be picked up so that I could pick him up from Nassau and bring him into Miami. I told him that I had a pilot, a black pilot, in Nassau, with a Cessna 414, that if he could find it, he would be able to bring it.

At this time, Robert G. Clement told me that Jaime could be very useful because of his ability to obtain marihuana and quaaludes in Colombia.

Soon thereafter, Jaime Guillot Lara did come to Miami, where I met him with Robert G. Clement and Fernando Mesa. At this time, Jaime Guillot Lara told me that he could get drugs into Cuba easily because he was paying money to the Cuban Government for their protection. He even mentioned Paredon Grande, which lies in Cuban territory.

At another meeting within a short period, Alberto Cortez was brought into the plan by myself because Cortez had the ability to locate a reliable boat captain. Cortez, in turn, brought in Jose Luis Martinez, also known as Jose Domingo Martinez Valdez. Jose Luis Martinez was to be paid $150,000 for acting as boat captain.

Since Jaime did not have the money to finance the planned conspiracy, I went to Carlos for funding: approximately $40,000 to $50,000 for the purchase of necessary vessels.

Soon after the second meeting, Jaime Guillot Lara returned to Colombia and left the code words "the family has left" in order to give rise to the conspiracy.

Once Jose Luis Martinez became aware of the Cuban Government's involvement, due to his navigational experience, he indicated that the best route to take for this conspiracy was for the vessels to travel from Miami to Bimini to Williams Key to Andros Island and into Guincho Key, right across Cuban waters.

One of the boats purchased was the *Ricky VI* at a cost of $16,000, also financed by Carlos.

The first boat to leave Miami and go to Cuba never actually arrived at its destination because it got stuck and was later supposed to be rescued by the Coast Guard with no contraband aboard.

Initially, I was not to go into Cuba but was to remain either in the Miami area or in Bimini.

However, because it appeared that something had gone wrong, I recruited another boat, the *Lazy Lady* and went into Paredon Grande. In order to properly signal the Cuban Government, Jaime Guillot Lara had told me to lower the American flag aboard the ship and to fly a white flag with the Cuban flag. I was led into Paredon Grande by a Cuban boat and a Cuban gun boat.

After a lengthy period of time, two Cuban officials, Aldo Santamaria Cuadrado and another, came looking for David Perez by name. I was escorted to a large Cuban ship where I met Rene Cruz.

Rene Cruz and I conversed over a period of time in Spanish. Rene Cruz asked if we needed anything on board, as he knew what we were waiting for. Rene Cruz provided us with a mechanic to look at our boat engine even though they were not accustomed to working on American engines. Rene Cruz became quite taken by American outboard motors and asked me if I could possibly obtain 50 to 75 motors for the Cuban Government, preferably Johnsons or Mercury, and also batteries for automobiles and boats.

Rene Cruz appeared to be concerned with a delay of merchandise from Colombia—May I be excused a minute because I don't understand this here? It is kind of—this paragraph here does not really——

Senator HAWKINS. Just skip over it.

Mr. PEREZ. OK. I am sorry.

When I returned to *Lazy Lady*, Rene Cruz also accompanied me. Frank Bonilla had a .357 magnum, which Rene Cruz admired so much that Bonilla presented it to him as a gift.

The quaaludes were loaded from one boat to the other by Frank Bonilla, Mario Estevez, El Pepe Gato, also known as Jose Rafael Martinez, and myself. There were 426 boxes, each holding 25,000 to 30,000 tablets, as a cost of 10 cents apiece. There was no money exchanged at this point.

I did not leave with the quaaludes but stayed in the area because Jaime Guillot Lara made radio contact with me and told me a marihuana load was en route with an approximate value of $5 million.

Due to a Coast Guard sighting, the crew of the *Lazy Lady* dumped the quaaludes in the open sea and met with another ship loaded with marihuana and arranged for the marihuana to be taken to a farm in Homestead, Fla., where it was to be safeguarded by Richard DeLeon.

Soon thereafter, Jaime Guillot Lara made contact with me and told me that Cuban friends wanted their share of the money even though they had been lost.

When I told Jaime Guillot Lara that he could not obtain any funds to pay the Cubans other than piecemeal through the sale of marihuana, Jaime Guillot Lara told me that they could work off the owed money by carrying guns to South America's rebels and that the Cuban friends wanted me to act as their courier as they wanted to purchase 500 kilos of cocaine per month from Bolivia. But, at this time, I was discovering that the marihuana which was brought into Florida was of such low quality that the great profit expectation had dwindled to a break-even in the best situation.

Most of the crew members were paid in marihuana. However, George Llerena did receive $15,000 in cash and Jose Luis Martinez received $35,000 in cash.

In order to sweeten the take, Jaime Guillot Lara told me that I could always go to live either in Cuba or in Brazil, and that if matters ever really got hot, that Jamie Guillot Lara would be set up in Barradero Beach in Cuba.

The Cuban Government was also to receive one-third of the profit of the marihuana sale. However, there was no profit, and, to date, the Cuban Government has not been paid even though Jaime Guillot Lara did receive $450,000, which he was to use for payment to the Cuban Government.

A more detailed statement of accounts is available through trial transcripts of Criminal Indictment 82–643–GR–JE, United States versus Jaime Guillot Lara et al.

Senator **Hawkins**. That has been entered into the record, Senators. This is the case that he refers to [indicating].

Mr. Perez, it is my understanding that your role in the Cuban connection is probably to smuggle drugs into the United States.

What Cuban ports did you use and what routes did you take, would you show us or tell us?

Mr. **Perez**. Where is the map?

Senator **Hawkins**. The marshal will take you over to the map.

Let the record reflect that the witness is being escorted by his attorney, Julie Holt.

Mr. **Perez**. OK. We would leave from Miami into Bimini, from Bimini we would come here, to Williams Key, right around this area. Then we would take this course over here [indicating], down here [indicating], to Guincho Key and to Paredon Grande somewhere in the area here [indicating].

Paredon Grande is a port in Cuba which is right about here, ma'am [indicating].

Senator **Hawkins**. You may come back to the table.

What Cuban officials did you meet with while you were on Paredon Grande?

Mr. **Perez**. Rene Cruz, ma'am, and Aldo Santamaria Cuadrado.

Senator **Hawkins**. What did they tell you?

Mr. **Perez**. We talked for a long time. Rene Cruz, especially, was really actually doing most of the talking, and he told me I could have anything I wanted. It was—the impression was they knew my name when I got there. They were expecting me, and he told me so, that they were expecting me.

The Colombian boat, which was the *Viviana*, that was already there when I arrived in Cuba, he told me that—if that boat was what I was looking for, and I told him, yes, the boat was what I was looking for, and we discussed the thing that what I could have was, like mechanics, if I needed mechanics. He put a mechanic aboard the *Lazy Lady* to try to fix one of the engines and give us food, and he was going to give us some fuel, which we could never get, the fuel, due to the fact that we have to leave because they got a tournament, a fishing tournament that goes into Cuba from the United States. I think some time of the year they go over there to this tournament to fish and he doesn't want these other boats to recognize that we were there from the United States or anything, so he told me that I had to leave.

One of the things he specifically said during our conversations was if they could take over Florida, that the Cuban Government was happy that we were bringing all the drugs into the United States.

Senator **Hawkins**. It is my understanding that while there, there were two Soviet gun boats present while you were at Cayo Paredon Grande. Would you describe those?

Mr. **Perez**. Yes, ma'am. As a matter of fact, those boats are the ones that escorted us in.

Senator **Hawkins**. Escorted you in?

Mr. **Perez**. As we were going in, into Cayo Paredon Grande, the boats came to our side and escorted us into the bay. The first ones that came aboard our boat were from that boat. One was, like 50 to 60 feet, somewhere in that area, a green boat with a gun on the deck of the boat, and the other one was a smaller size, like 30-some feet to 40 feet.

Senator **Hawkins**. Did you say they had personnel aboard your boat?

Mr. **Perez**. When we first got there, some of the military personnel off of the gun boat went aboard our boat to ask us if we had any weapons or anything like that aboard, and we told them we had a .357 magnum that Frank Bonilla owned, and he turned it over to them until we were ready to leave; they would return everything, and he told—the captain of that gun boat told me I was to wait there, that I would be contacted.

Senator **Denton**. Excuse me, Senator Hawkins, for interrupting. Did you ask him about Soviet or Cuban——

Senator **Hawkins**. Soviet.

Senator **Denton**. Soviet.

Mr. **Perez**. They were Cuban boats.

Senator **Hawkins**. Soviet made, I meant to say.

Mr. **Perez**. I can't say whether they were Soviet made. They were Cuban gunboats.

Senator **Hawkins**. Thank you, Senator.

Are you aware of others that are in that business who use the Cuban connection to smuggle drugs into the United States?

Mr. **Perez**. After I came back, ma'am, I told another one of Jaime's connections about where I had been, and what had happened, and he told me that he had been approached, and that he was in a meeting with Cuban officials here, in Miami, but that he refused to do it because, I guess, that, he told me if they approached him with the weapon situation at first, which I never knew until later on that I was to be carrying weapons down to Cuba for the leftists in Central and South America.

Senator **Hawkins**. And you, at this point, don't know if those were Soviet-made gunboats?

Mr. **Perez**. They could be, ma'am. I know they were Cuban gunboats, and there were military personnel onboard the boats. I do not know for sure.

Senator **Hawkins**. All right. Senator Denton, do you have questions?

Senator **Denton**. Thank you, Madam Chairman.

Our previous witness, Johnny Crump, testified that the formal arrangements which permitted drug runners to know that the Cuban Government would permit Cuba to be used as a stopover were made somewhere around March to July 1980. I state that for the record because I notice that you, Mr. Perez, say that, in or about July 1980, the Frenchman contacted Jaime Guillot Lara at your home; is that correct?

Mr. **Perez**. Excuse me, sir, Jaime Guillot Lara called my home from Nassau.

Senator **Denton**. I see.

Mr. **Perez**. Asked for Robert Guy Clement, then I put Jaime—I put Mr. Clement on the phone and Clement gives me the phone back so I could tell Jaime because Jaime was trying to get us to bring it here from Nassau, sir.

Senator **Denton**. I see, and that was in 1980, about?

Mr. **Perez**. Somewhere in that area, sir, yes.

Senator **Denton**. According to your testimony, Jaime Guillot Lara told you that he could get drugs into Cuba easily because "he was paying money to the Cuban Government for their protection."

Mr. **Perez**. Yes, sir. As a matter of fact, we had several meetings about it because I was kind of reluctant, at first, since I am of Cuban nationality, and I left Cuba even though I was young, but my father was against the Communists and I was kind of reluctant about it, about going into Cuba or doing any kind of deals with the Cubans and he told me there was nothing to it, not to worry about it, that the Cubans would take care of us, and there was no problem on political things or anything like that which the reason he did not tell me the whole story was because, I guess, he knew I was going to back out of it once I learned about the weapons' trade and the whole situation became clear.

Senator **Denton**. Thank you, and I gather that Jose Luis Martinez served as your navigator.

Mr. **Perez**. As a captain, sir.

Senator **Denton**. Yes, as a captain, and he, too, arrived at the same conclusion you did, he became uneasy of mind once he learned of the Cuban Government's involvement, is that a proper emphasis?

Mr. **Perez**. I would say, yes, sir.

Senator **Denton**. The signal by which the *Lazy Lady* was cleared to enter into Paredon Grande was to lower the American flag and to fly a white flag along with the Cuban flag and you have mentioned that that was to properly signal the Cuban Government. Am I correct that the Cuban boats, the Cuban boats 50 to 60 feet, in one case, and 30 to 40 feet in the other, with the larger boat having a gun aboard it, responded to that signal and then escorted you into Paredon Grande?

Mr. **Perez**. Yes, sir.

Senator **Denton**. Do you have any doubt, considering the scope, location, and nature of these maritime illegal drug activities on the northern coast of Cuba, that they could have taken place without the knowledge of the highest level of the Cuban Government?

Mr. **Perez**. There is no doubt in my mind, sir, that the whole Cuban Government is very aware of what they are doing because during our conversation, one statement that Rene Cruz made to myself was, Fidel Castro himself was out in Central and South America doing all the kind of work related to what we were doing there, and that they were happy that we were bringing the drugs into the country and one specific statement that he made, and he was pretty serious about it, was that they could take Florida at any time that they felt.

Senator HAWKINS. "They" is who?

Mr. PEREZ. The Cuban Government.

Senator HAWKINS. The Cuban Government could take Florida at any time?

Mr. PEREZ. Yes, ma'am.

Senator DENTON. Could you elaborate on what you mean by "Castro was conducting other operations like this in the Americas"?

What was that context? What was that conversation like?

Mr. PEREZ. We were discussing the fact that they—he told me that they were financing this operation because Jaime Guillot Lara did not have the money to buy the drugs in Colombia.

Now, when we kept on discussing, I guess he had the feeling or the impression that I knew about these guns which Jaime never told me about the guns at first. Later on, the guns became clear to myself, but he said that—the statements made by himself to myself was that Fidel Castro did know about it, and that he was doing other things related.

Senator DENTON. I see. So, you are not only referring to the drug operation, but you are referring to your testimony relating to the guns put aboard for the return trip to Colombia, which were intended for the M–19 terrorists in Colombia; is that correct, and in that context, he was referring to Fidel Castro's operations in other parts of the Americas?

Mr. PEREZ. Yes, sir.

Senator DENTON. Thank you, Madam Chairman.

Senator HAWKINS. Did you tell us the amount of money major drug operators like yourself would be talking about?

Senator DeConcini asked a question to the previous witness: Would you consider yourself a major drug trafficker, and he said he considered himself midway, and then gave us the figures.

What is your feeling toward a major drug dealer? How much do they make?

Mr. PEREZ. If I would have remained on that level, dealing with Jaime Guillot and the Cuban Government, I would say we would have gone onto really high levels, higher than anybody could have expected because of the Cuban Government's backing.

Senator HAWKINS. Give us a figure. What is a high number?

Mr. PEREZ. There was a discussion between Jaime Guillot and myself about the Cuban Government was going to purchase 500 kilos of cocaine a month, so, very simply, just multiply 500 by 50,000. Each kilo of cocaine was worth, like $50,000 here, in the U.S. wholesale price at that time, so that it is an awful lot of millions of dollars, ma'am.

They were to pay me $2½ million for each time I carried that amount of load in.

Senator HAWKINS. They paid you $2½ million for every load you took in?

Mr. PEREZ. Of this cocaine, ma'am, although I never got to do it, but that was the offer.

Senator **Hawkins**. Senator Helms.

Senator **Helms**. When did you get into the drug business?

Mr. **Perez**. Right around 1976, sir.

Senator **Helms**. 1976. What is the most money you ever made in a year off the drug business?

Mr. **Perez**. In a whole year, sir?

I couldn't really—my account—you make different kinds of money. I would say it is a hard business and today you might make $100,000, tomorrow you might lose $100,000, sir. It depends on how things go. If somebody in your group gets arrested, you got to pay attorney's fees, bonds, normally it goes up, really. Maybe I made $800,000 in 1 year, maybe I made $900,000 in the last year, but, normally, when you first start, you don't start as what I was doing at the end.

I was a courier or what you would call an employee for somebody else, sir.

Senator **Helms**. So, you would say that you were looking to that $2½ million transaction. That is not unusual in size for somebody who gets successful in operating in drugs; is that correct?

Mr. **Perez**. No, sir, it is not unusual.

Senator **Helms**. And, of course, we talk about corruption down on the other side, there has to be corruption in the United States in order for it to succeed, too; doesn't there?

Mr. **Perez**. Well, to be honest, sir, it is very hard to find American officials that will be corrupt, themselves. It is not as easy as you find in the Latin countries.

I don't know why, but I just found one official in the United States that was corrupt. I testified to that matter in Florida before.

Senator **Helms**. Was that the sheriff?

Mr. **Perez**. Yes, sir, and that is the only one I found during this time I have been involved.

Senator **Helms**. What were the figures on his payoff, $400,000 for one deal?

Mr. **Perez**. $400,000, sir.

Senator **Helms**. Of course, corruption extends to private citizens.

Now, Senator DeConcini, there is a little fishing community off the coast of North Carolina called Wanchese, and the testimony before our subcommittee a couple of weeks ago in Elizabeth City indicated that they were hiring fishermen, at $50,000 a crack, to go out and pick up this stuff and deliver it. They got $25,000 when they took possession of it, and they would get the other $25,000 when they successfully delivered it.

If they were not successful, then the $25,000 was there in any case. Now, is that about the standard deal?

Mr. **Perez**. It depends, sir. Some people pay that amount of money. Some other people pay more money. It depends how long a trip they are going to make.

If they are going to go, like 150 miles off the coast, then maybe that is a round figure for somebody that never done it before, but once you, like, in this area, in Miami area, or in the Florida area, it would be very hard to get anybody to go out on a boat for $50,000. I don't think that hardly anybody will get on a boat, especially when they know they are facing 15 years, sir.

Right now, I don't think nobody would do it for that amount of money. That is what I am trying to say. Maybe—I really don't have no idea right now, but I'll say that I don't think nobody will go out there for $50,000 right now. People will have to pay a lot more money for people to go out there and smuggle drugs into the country because of the high risk, not only the time and things changing and, I guess, people beginning to realize that this is a no-good business.

This is a sorry thing, and I am sorry I did it, but I wish people would realize it the way I realize it, how wrong I was.

Senator **Helms.** It is the most corrupting activity that comes to my mind on both sides and all the way in between. It reduces humanity to the lowest imaginable level.

When you think about what it does to the people who have become addicted or who will become addicted, it is bound to be as sorry an episode as has occurred in human history.

Madam Chairman, thank you.

Senator **Hawkins.** Senator DeConcini.

Senator **DeConcini.** Thank you, Madam Chairman.

Mr. Perez, how did you get started in the drug business?

Mr. **Perez.** I had a small body shop, sir, and I was working sometimes 10 hours, sometimes 12 hours, and at the end of the week I had nothing left but change in my pocket.

I had tried going in the Army and the recruiter lied to me and things were not the way he told me they were going to be in the Army, so I tried to make it the right way first. Then, one day, somebody made me an offer.

Senator **DeConcini.** When was that?

Mr. **Perez.** Back in 1976, that I could make $35,000 for driving a truck or doing some work, you know, doing offloading of a boat, different things in there, and I said I would. I would do almost anything, you know, except steal or kill anybody. I would offload a boat for $35,000, so I went and I drove a truck from somewhere around Kissimee in Florida here, to Miami. I never really got paid $35,000 because things didn't go the way they were supposed to go, but that is how I started.

Senator **DeConcini.** But after that incident didn't pan out, you continued to work for——

Mr. **Perez.** For the same——

Senator **DeConcini** [continuing]. Drug dealers?

Mr. **Perez.** I worked for the same people until about late 1977, sir.

Senator **DeConcini.** Were they Americans?

Mr. **Perez.** No, sir. Cubans.

Senator **DeConcini.** Were they Cuban——

Mr. **Perez.** Cuban Americans. It is a mixture of everybody in there. Sometimes you find a group of people that are only Cubans. Sometimes you find a group of people where Americans and Cubans are working together.

Senator **DeConcini.** When did you get into the boat business?

Mr. **Perez.** Back in late 1978, sir.

Senator DeConcini. 1978, and how did you finance that?

Mr. Perez. Well, when I first got in it and was putting it together, I was putting it together for somebody else, and I was getting a percentage.

Senator DeConcini. Of the sale price?

Mr. Perez. Of what they sold it after they paid everybody and everything, I would get a percentage out of it.

Senator DeConcini. Where would you go? Out into the sea to the mother ships?

Mr. Perez. Well, see, I am not a boat captain, myself.

Senator DeConcini. You would get a boat captain?

Mr. Perez. What I would do is: I would go out and travel and find a boat and then buy it with these people's money, get it ready, make it look like it was a boat that was going out fishing for a company, and then, go find a place that would be easy to come in and offload on the coast, either in this coast or on the Louisiana coast and make sure that all the arrangements were made and the boat would get to Colombia and come back and the merchandise would come in safe, sir.

Senator DeConcini. Now, all of this was prearranged, you knew where you were going, you knew what you were going to pick up, you knew where the proximity of the mother ship was?

Mr. Perez. Well, the captains of the boats would know, sir.

Senator DeConcini. Did they work for you?

Mr. Perez. They worked for the other people. Like I say, in that time, what I was doing was, like I was in charge of going, buying the boat, getting it ready, then they sent the captain with me.

Senator DeConcini. Who was it you worked for?

Mr. Perez. I worked with a guy named Julio Nunez, sir.

Senator DeConcini. Is he still in business?

Mr. Perez. I presume, sir. I don't have no idea right now.

Senator DeConcini. Were you just an employee or a partner?

Mr. Perez. I would say you could consider almost a partner. I was getting a percentage of it, sir.

Senator DeConcini. A percentage of what you brought in?

Mr. Perez. Yes, sir.

Senator DeConcini. How many times would you go out on such an incident in, say, the year 1979 or 1980?

Mr. Perez. OK. I testified in one—we went out one time, which a load got arrested in Tampa Bay——

Senator DeConcini. You were arrested?

Mr. Perez. Yes, sir, and I was found not guilty. I never even went to trial on it, sir, but they arrested the merchandise out on the bay, and then, in Louisiana, about 30,000 pounds came in, sir.

Senator DeConcini. 30,000 pounds in a year?

Mr. Perez. Yes, sir, and then 54 was to come in, but it also got arrested, sir.

Senator DeConcini. Was marihuana the only thing you smuggled in?

Mr. Perez. Yes, sir.

Senator DeConcini. You didn't get into anything else?

Mr. Perez. No, sir, I just got into methaqualone pills at the end.

Senator DeConcini. Did you know which country this was coming from?

Mr. Perez. Yes, sir, I knew it was coming from Colombia.

Senator DeConcini. You testified here and apparently in some court cases that you dealt with the Cubans only once?

Mr. Perez. Yes, sir.

Senator DeConcini. Did the Cubans transfer any money to you when you were there?

Mr. Perez. No, sir, no money was exchanged.

What they did for us was supply a mechanic.

Senator DeConcini. When, and where were they going to pay you any money?

Mr. Perez. OK. For these marihuana loads and the methaqualone load, the Cuban Government was not going to pay me nothing.

Senator DeConcini. They weren't?

Mr. Perez. I was bringing the load in. I would sell it, distribute it, collect the money.

Senator DeConcini. Do you mean, you were bringing it into the United States?

Mr. Perez. Into the United States. I would sell it, collect the money, like for the methaqualone pills, we were going to collect $7 million. I was to give $1 million to Jaime Guillot, which was the cost of the methaqualone pills and about a round figure of $1 million for the expenses of of paying the boat captain, the people that worked off-loading on some of the boats because, these boats are also rented, and then it was going to be a profit of approximately $5 million.

Then, I was to get one-third of that. Jaime Guillot Lara was to get one-third and the Cuban Government was to get another third.

Senator DeConcini. Who was to pay the Cuban Government?

Mr. Perez. Jaime Guillot Lara.

Senator DeConcini. Did he work for the Cuban Government? Do you know what his relationship was to the Cuban Government?

Mr. Perez. My understanding, his relationship to them was pretty close. I don't think he worked with them—for them. I think he worked with them.

Senator DeConcini. Who was going to buy and distribute that material when it got into this country? Did you work with an organization or was it your own group?

Mr. Perez. I was going to give it to, like front it, you would call front it because they don't actually pay for it right there. You give it to them, they give you the word to bring the money back.

Senator DeConcini. Who is the front that you were going to give it to?

Mr. Perez. I would like to be excused, sir, but that part is still being investigated by the Government, and I would not—I will say the names if I have to, but if I say it I would assume that I would hurt the Government's case.

Senator DeConcini. I understand there are pending cases; is that correct?

Ms. Holt. Yes, sir, there are two pending grand jury investigations, and Mr. Perez has been asked not to comment as to those investigations.

Mr. PEREZ. I would be more than happy to help.

Senator DECONCINI. I understand.

When the Cubans talked to you about delivering arms to other countries and buying some outboard motors—did you take part in such activities?

Mr. PEREZ. No, sir. Really, the one thing I thought about doing, at first, was taking back the 50 outboard engines, but then, when Jaime Guillot Lara—see, I brought Jaime Guillot Lara from Colombia to here because I wanted him to see the marihuana because the quality was too low, so the price I was going to sell it for was not the same we discussed, and I didn't want him thinking that I ripped him off and having somebody try to kill me or something thinking I ripped them off when I didn't.

So, I sent a Lear jet charter to pick up Jaime and I brought him over, and we had discussions in there, and Jaime explained to me the fact of the guns and when he explained to me that, I told him I want nothing to do with no Communists because my father was against Communists and, really, I got no feeling with the Communists because I don't consider myself a Communist. I consider I made a mistake, and I wound up in a bad situation, but then I just backed out of taking the outboard engines over there.

Senator DECONCINI. Did Jaime agree with you that the marihuana was low grade?

Mr. PEREZ. That is when he told me that we are going to have to make payment some other way to the Cuban Government, and I asked him: What do you mean, which way?

So, he explained to me that by taking the guns and doing that sort of thing for them, we could start lowering the payment because they would pay us for doing that. I told him that I didn't really want to get involved in that, and I wasn't supposed to pay because I never got no money for the merchandise.

Senator DECONCINI. In your experience dealing with trafficking in marihuana, have you found that some marihuana originates in Cuba? Is it grown there?

Mr. PEREZ. I can't testify to that, sir. I don't have no knowledge. The ones that I received came from Colombia.

Senator DECONCINI. From Colombia?

Mr. PEREZ. Yes, sir.

Senator DECONCINI. You don't know, from your trade and business, whether or not Cuba is a producer?

Mr. PEREZ. No, sir. One thing they did, though, was, out of the methaqualone pills, they kept a box.

Senator DECONCINI. They kept a box?

Mr. PEREZ. Yes, sir, Rene Cruz told me, himself, that he was keeping a box.

Senator DECONCINI. Did he say for what purpose?

Mr. PEREZ. He didn't explain to me. I didn't really want to ask him.

Senator DECONCINI. Have you visited Cuba any other time?

Mr. PEREZ. No, sir.

Senator DECONCINI. Do you still have family in Cuba?

Mr. PEREZ. Yes, sir. As a matter of fact, he told me if I wanted to bring my family later on, he would get them for me, but I just—my family don't want to come.

Senator **DeConcini**. They don't want to come to this country?

Mr. **Perez**. No; because I went there on the *Mariel* and they didn't want to come.

Senator **DeConcini**. I have no further questions, Madam Chairman.

Senator **Helms**. I have just a couple of questions about what I consider to be the rather bizarre financial transactions which have been alluded to by yourself and others.

Now, you mentioned buying a boat. Did you buy it with cash?

Mr. **Perez**. Yes, sir, cash.

Senator **Helms**. Did you ever buy a boat with capital underwritten by somebody else?

Mr. **Perez**. You mean, placing it in somebody else's name, sir?

Senator **Helms**. Yes.

Mr. **Perez**. Would you explain that?

Senator **Helms**. Well, what I am saying is: Unless you have the cash, yourself—Did you ever buy more than one boat? Maybe I can get at it this way better.

Did you buy more than one boat during your——

Mr. **Perez**. On different occasions or at one point?

Senator **Helms**. On different occasions through the years that you were in——

Mr. **Perez**. Yes, I bought more than one boat.

Senator **Helms**. Did you always have the cash, yourself, to buy it?

Mr. **Perez**. Not myself. Like I said before, sir, the cash was provided to me by the others, and sometimes I put in some of the cash myself, sir.

Senator **Helms**. Was any guarantee given you that if you lost on a transaction, that you would be safeguarded, that you would be given a guarantee that you would not lose?

Mr. **Perez**. No, sir. It is never such a guarantee. Nobody could ever make that guarantee.

Senator **Helms**. Well, there was an indication earlier, and—I will explain my line of questioning.

There was an indication earlier that the Cuban Government is, in fact, underwriting some of this stuff. You have no knowledge of that?

Mr. **Perez**. I don't quite understand your question, sir.

Senator **Helms**. Well, the indication that I had earlier was that the Cuban Government or officials thereof, if not providing the capital themselves, were assuring those who do invest that they will take care of any losses that you have in the event of seizure, in the event of interdiction. You have no knowledge of that?

Mr. **Perez**. One thing I do have knowledge of was that Rene Cruz told me, himself, they had financed that first operation as far as it goes in Colombia.

See, in Colombia, in order for that merchandise to leave Colombia, it is a lot of corruption in Colombia, officials which I don't really know who they are, but I know for a fact that they have to pay like some of the Coast Guard and some of the officials over there so they will be in another place so the boat can leave with the merchandise safe out of Colombia, so they do have to pay money up front before they leave Colombia.

Senator **Helms**. All right. From whom did you buy the boats? I don't mean the identity, but was it a boat dealer?

Mr. **Perez**. Sometimes you go through a broker. Sometimes, what I used to do because I preferred that because if you go through a broker, like in the late 1978, 1979, the DEA agents more than likely knew the way we were doing things, so they would go to the brokers and most of the brokers would notify the DEA and the law enforcement officers when we were—if you walked to a person with $100,000 in cash, he is going to wonder where you got that money from, especially a broker.

Senator **Helms**. I can understand that.

Mr. **Perez**. So, it was better to deal straight with somebody, a private owner. Maybe he didn't want to say that he really collected $100,000. Maybe he is going to say he collected $50,000, so that is what I would normally do in the end. Going through private owners, it takes more time, but it saves money and it saves problems.

Senator **Helms**. One final question: How about the communications technology of any of the boats you bought?

Did you need technology to be able to listen to Coast Guard radio and that sort of thing?

Mr. **Perez**. Sometimes you get these radio scanners. They call them a scanner——

Senator **Helms**. Yes——

Mr. **Perez** [continuing]. Which you are able to hear the Coast Guard. You pick up certain stations, and you are able to hear, but you got to have one person that will know how to do all these things and will have the ability to get all this information about codes and stuff.

Senator **Helms**. The basis of that question was testimony by the Coast Guard that many of these drug trafficking boats were much better equipped technologically in terms of communications than the Coast Guard boats.

Mr. **Perez**. I assume they are, sir. It is a lot of money involved, and we spend a lot of money in making sure that things go right.

Senator **Helms**. All right. Thank you.

Thank you, Madam Chairman.

Senator **Hawkins**. Thank you. Senator Helms has to leave us at this time. Thank you so much for coming and participating, and without objecting, we will ask permission for his assistant to stand in and ask questions in the Senator's absence. Thank you. We will see you later. You may be excused, Mr. Perez. Thank you for helping us here today.

Mr. **Perez**. Thank you.

[The transcript of the relevant portions of Mr. Perez' testimony before the U.S. District Court in Miami, Fla., in February 1983, is found in the appendix as exhibit 4, beginning on p. 143.]

Senator **Hawkins**. This witness is Mario Estevez.

Would you and your translator, Ed Rock, please stand and both be sworn?

Raise your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. **Estevez**. I do.

Mr. **Rock**. I do.

Senator HAWKINS. Mr. Estevez speaks Spanish. His statement is in Spanish. We have asked, in the interest of time, for Mr. Rock, who is a certified court interpreter and who volunteers his services today for this good cause, to read the Spanish statement to us in English please.

Mr. ROCK. I will be glad to, Senator.

Senator HAWKINS. Thank you.

TESTIMONY OF MARIO ESTEVEZ GONZALEZ

Mr. ROCK. Ladies and gentlemen, my name is Mario Estevez Gonzalez. I was born on January 1, 1950, in the city of Havana, Republic of Cuba. From a young age, I have suffered from a speech defect, and for this reason, they have nicknamed me The Stutterer.

From an early age, I belonged to the Communist Youth in Cuba and did my preuniversity studies. I participated in various Communist programs in which I was selected because of my dedication to Cuban communism and to the revolution of Fidel Castro. Because of my efforts in the Communist Party, I was selected to work in the Ministry of the Interior, in the BEM section, known as the Official Bureau of the Ministry. My function in the BEM was to act as a spy on others working within the system. Because of my merits, I was made a sergeant. From sergeant, I was selected to act as a spy and to sabotage anti-Castro organizations in the United States.

During the Mariel exodus, which was in 1980, I came to the United States and was able to infiltrate myself in Alpha 66, an anti-Castro organization. I was in Alpha 66 about 2½ months. My function was to sabotage equipment of the organization, and in that period of time, I was able to sink two boats which costs thousands and thousands of dollars.

After I finished my mission, I was ordered to return to Cuba. For me and for many others, who have infiltrated, it is very easy to come and go to Cuba.

The first thing that I would do would be to send a telegram to my immediate supervisors. The telegram was in code. My supervisors were Lt. Col. Carlos Nelson and Captain Efrain. They are members of the DGI assigned to the ICAP whose head is Rene Rodriguez Cruz. After the telegram was sent, I would go by boat to Bimini and from there to Cayo Piedra, Piedra Key, Stone Key and then from Stone Key I would go to the Icacos Peninsula where Barradero Beach is in the Province of Matanzas. From Barradero I would go to Havana where my supervisors would interrogate me on my contacts, my actions and my knowledge acquired in Miami.

At that time, Lieutenant Colonel Nelson gave me instructions to make contact with drug traffickers in the United States and Bimini. My supervisors gave me $5,000 for my expenses to infiltrate.

Based on my contacts with the drug traffickers, I began to traffic in drugs about August 1980 until I was arrested on November 29, 1981, for trafficking in marihuana.

During my period as a drug trafficker, I imported to the United States more than 270 kilograms of cocaine coming from Cuba. The cocaine I would sell to individuals in Miami, Chicago, Ohio, New Jersey, New York, and other cities in the United States. The money they would pay to me for the sale of the cocaine. I had to take to Cuba and deliver it to the Cuban Government. On other occasions, I was ordered that it was "important to load up the United States with drugs."

My supervisors ordered me to return to Bimini and meet another agent of ours, who was called Frank Bonilla. When I arrived in Bimini, coming from Cuba, I found a friend of mine called Papito. Papito showed me where Frank Bonilla was. Bonilla came and greeted me, and we went to his boat, which was called the *Lazy Lady*. On the *Lazy Lady* there was another individual called Pepe Gato.

During the night, two people came to the *Lazy Lady*. One was called David Perez and the other guy Robert Clement, the Frenchman. The next day we sailed. The reason was to locate David Perez' boats which had been loaded with quaalude tablets coming from Cuba aboard the *Lazy Lady*.

We were the Frenchman, Clement; David Perez; Pepe Gato; Frank Bonilla and other individuals whom I cannot mention at this time, and myself. After a lot of searching, we found one of David Perez' boats aground on the rocks in Guincho in the Bahamas. The Frenchman, Clement, stayed with the crew of the boat that was aground, which was called the *Ricky VI*, and I went on in the *Lazy Lady* with its crew to look for the quaalude tablets which were in Cuba and which had been brought by one of Jaime Guillot Lara's boats called the *Viviana*.

While we were on the way to Cuba, I heard David Perez talking by radio with Jaime Guillot Lara, who was in constant contact with the crew of the *Viviana*, which was already in Cuba and who was with us.

That night, I spoke to Saqua La Chica by radio, and they told me that the boat had been waiting for a few days. When other members of the crew of the *Lazy Lady* found out that they were going to Cuba, they started to get nervous, and then I decided to damage one of the engines on the *Lazy Lady* so that there would be no way to go back.

When we were coming into Paredon Grande in Cuba, I began to signal the Cuban torpedo launches which were there. I signaled to them with flares, and I burned my arm doing it. About 10 or 15 minutes later, the torpedo launches came up and one of the commanders aboard them told us, bring that shitty thing down. After repeating the same thing five or six times, we realized that he was talking about the American flag that they were flying on the *Lazy Lady*.

When we arrived in Cuba, we went directly to Paredon Grande. There we found the *Viviana*, which belongs to Jaime Guillot Lara, escorted by other armed vessels from the Cuban Navy. The *Viviana* had aboard about 8 million lemon 714 quaaludes.

While we were in Paredon Grande, we were interviewed by the chief of the Cuban Navy, Aldo Santamaria Cuadrado, and by Rene Rodriquez Cruz. Santamaria Cuadrado told me that his name was Rene Rodriquez Baeza or Rene Rodriquez, but I had met him previously because I had worked for him at an earlier time. As far as Rene Rodriguez Cruz goes, there was a moment when he put his arm on my shoulder and said, we are finally going to have a drugstore in the United States.

When we left Cuba, the *Viviana* towed the *Lazy Lady* to Andros in the Bahamas. There we offloaded the quaaludes from the *Viviana* and put them on the *Lazy Lady*. After we finished the quaaludes mission, I returned to Guincho Key with another boat and with some of the crewmen that had been picked up on Guincho Key when the *Ricky VI* grounded. On Guincho Key we picked up 23,000 pounds of marihuana which had come from Cuba. The marihuana had come in one of Guillot's boats that was commanded by the very same captain of the *Viviana*.

We picked up 12,000 pounds of the 23,000 pounds of marihuana and went to Bimini, while the other boat returned to Cuba. Two or three days later, we received instructions to return to Guincho Key to pick up more marihuana. When we got there, there was another Colombian boat there, also belonging to Guillot, which had about 3 or 4 million tablets and about 11,000 pounds of marihuana on board.

The tablets were carried to other people or, rather, the tablets were taken off by other people whereas we took off the marihuana which finally reached Miami except one speedboat which was seized by the American authorities.

Ladies and gentlemen, I am glad to be able to answer any questions you may have.

Senator HAWKINS. Thank you. Mr. Estevez, you arrived in Florida in the Mariel boat lift?

Mr. ESTEVEZ. Yes.

Senator HAWKINS. How were you chosen to go to Florida?

Mr. ESTEVEZ. When I was in the city of Las Villas in 1978, I was ordered to report to the city of Havana at the head office of the Ministry of the Interior.

Colonel Blanco met me there, told me that I had been selected for a special training school by the Ministry of the Interior. A week after I reached Havana, they sent me to a place near Havana called Managua.

I was trained there for about a month and a half with guerrillas who were coming from other countries. There were men there from Peru. There were Chileans and Colombians, too.

From there, they sent me to Soroa and then they sent me to Jaguey Grande, which is in Matanzas. That is when I did my training on boats. That is when I realized that I was going to be sent on a mission overseas.

I was ordered to make contact with my brothers in Miami. It was a little hard for me to do that because I have been out of touch with them for years. It was not easy.

I made contact with them, though, and told them that I was sorry that I had been a Communist, and that I wanted to come to the United States and needed their help. I was supposed to go via Spain. At the end of 1979, I was told to get ready and I went to the Province of Havana.

I was in Artenisa there and then, in February, I was getting ready. I was studying the codes and so on and signaling systems that I would use when I was here, in Miami. Then, at the beginning of 1980, when the Peruvian Embassy situation, I was told to get ready and then, after that, is when the Mariel operation began.

Senator **Hawkins**. And you were told to get on a particular boat or just to get in line or how did that work?

Mr. **Estevez**. No, no, no. They went to pick me up in a Jeep and brought me over to Mariel like all the other people who were getting out through Mariel. No special arrangements were made. I was handled just like everybody else.

Senator **Hawkins**. A lot of the Marielitos had family in Miami who sent money with the boat captains to pick up their families. Did your brothers send money?

Mr. **Estevez**. No. No. My brothers did not send for me or anything. The Government arranged it. The Government sent me here.

Senator **Hawkins**. Do you have any knowledge how many others like yourself, in the DGI, were included in the Marielitos?

Mr. **Estevez**. Many, yes.

Senator **Hawkins**. More than 12?

Mr. **Estevez**. More than 12 what?

Senator **Hawkins**. Twelve agents.

Mr. **Estevez**. There were in political prisoners and ordinary prisoners 4,000 who came over.

Senator **Hawkins**. How many DGI does he know of or what was the conversation?

Mr. **Estevez**. In the school of the DGI that I was in in Soroa, all of them were pretty young fellows. All of those terrorists that Fidel Castro trains are young fellows, about 27, 28 years old, and I was in Managua and there were 1,500 of them there.

Senator **Hawkins**. Was it thought that all of them were going to go to Florida?

Mr. **Estevez**. The DGI had a very broad plan for them.

Senator **Hawkins**. What does that mean, they go to more countries than the United States?

Mr. **Estevez**. Yes. If I had not been arrested back in November, I would be in Europe or Central America right now.

Senator **Hawkins**. Mr. Estevez, can you give me an estimate of how many trained agents are in the United States?

Mr. **Estevez**. It is hard to give an idea. There are DGI agents here in the United States. Some come with Cuban papers and a lot of them with Puerto Rican papers. The arrangements that Fidel Castro made with the ordinary, common criminals or political prisoners who were released were not the same arrangements that he was making with agents such as myself that were being trained by the Government.

Senator **Hawkins**. When you got to Miami, could you tell us what sequence of events happened?

Did someone check you off the boat?

Mr. **Estevez**. No; it wasn't like that. It was a sort of a difficult situation. I didn't make any contact with anybody when I arrived here.

Senator **Hawkins**. You just got off the boat and walked down the street, Biscayne Boulevard?

Mr. **Estevez**. No. No. No. No. When I got off the boat, I went on to Arkansas. In Arkansas, there were plenty of other guys that had been trained like me. I saw them there.

Senator **Hawkins**. This was the camp that was set up for the Marielitos in Arkansas?

Mr. **Estevez.** Yes; I was there for 11 or 12 days.

Senator **Hawkins.** And then what happened?

Mr. **Estevez.** Then my brother, who was in the Alpha 66, sent for me.

Senator **Hawkins.** How did he send for you? Oh, as a sponsor——

Mr. **Estevez.** He called me for, like they do for the others, sponsored.

Senator **Hawkins.** Did the officials, U.S. officials, ask you your background?

Mr. **Estevez.** Sure, they asked me, but those questions are so easy that anybody can infiltrate.

Senator **Hawkins.** Did they ask you if you had been a former prisoner in Cuba?

Mr. **Estevez.** Yes; they asked me all of that, if I had been in the Ministry of the Interior, even.

Senator **Hawkins.** And you did not tell the truth?

Mr. **Estevez.** Naturally not. They did not make me swear, and even if they did make me swear, I still would not have told them the truth.

Senator **Hawkins.** How did you get from Arkansas back to Miami?

Mr. **Estevez.** I came by car in a Cadillac.

Senator **Hawkins.** Did you have a driver?

Mr. **Estevez.** No, no driver.

Senator **Hawkins.** Have you ever gotten any money from the American Government as a Marielito who is eligible for Federal help?

Mr. **Estevez.** No, I never received any aid from the Government. I always had money from the time I arrived.

Senator **Hawkins.** Where did you get it?

Mr. **Estevez.** Money from the Cuban Government.

Senator **Hawkins.** Did they mail it to you at the post office box or——

Mr. **Estevez.** Fourteen days after I arrived here, I was back in Cuba.

Senator **Hawkins.** How did you go back?

Mr. **Estevez.** I went back in a boat.

Senator **Hawkins.** In a boat.

Mr. **Estevez.** Twenty-four footer.

Senator **Hawkins.** Twenty-four footer. Did you pay anybody to take you?

Mr. **Estevez.** No, I went myself. The boat belonged to the Alpha 66, and since I had the boat, I was fixing up the boat, supposedly, and I just went.

Senator **Hawkins.** How did you get back to America?

Mr. **Estevez.** Easy, just the same way I went to Cuba.

Senator **Hawkins.** Now, this time when you came back the second time, now, were you the captain of the boat?

Mr. **Estevez.** I have always been in charge of the boat.

Senator **Hawkins.** Did you bring others with you?

Mr. **Estevez.** That is what I was trained for.

Senator **Hawkins.** Did you have passengers when you came back the second time?

Mr. **Estevez.** No, I never brought anybody.

Senator **Hawkins.** You always came alone?

Mr. **Estevez.** Yes. Always alone.

Senator **Hawkins.** Did you bring any drugs with you?

Mr. **Estevez.** No; I brought drugs over in October and in January 1981.

Senator **Hawkins.** Oh. So, 14 days after you arrived in the United States, you were back in Cuba?

Mr. **Estevez.** Sure.

Senator **Hawkins.** How many times had you gone back and forth?

Mr. **Estevez.** I would go every month, two or three times.

Senator **Hawkins.** And when you would come back to the United States, did anybody check any of your documents or ask for any identification?

Mr. **Estevez.** This is a very free country. They don't ask you for anything here.

Senator **Hawkins.** I am beginning to see why we have so many problems.

Mr. **Estevez.** That is right.

Senator **Hawkins.** So, you get your money, I know—you say you always have Cuban money?

Mr. **Estevez.** Yes, I always had money.

Senator **Hawkins.** And you get it from Cuba?

Mr. **Estevez.** Sure.

Senator **Hawkins.** If you don't have to go get it back to Cuba, how do you get it in the United States?

Mr. **Estevez.** I did not catch that.

Senator **Hawkins.** How did they know where to send the money or did you go pick it up?

Mr. **Estevez.** I had to go to Cuba in my case to report on my espionage activities. My situation wasn't the same as that of other agents who were here.

They get checks from the Cuban Government that come to them through businesses that are established here, that are controlled by the Cuban Government.

Senator **Hawkins.** In the United States?

Mr. **Estevez.** Sure.

Senator **Hawkins.** How much money did they pay, Mr. Estevez?

Mr. **Estevez.** Every time I went, I would get $5.000 or $7,000, more or less, but after June or July I already was getting money from the Colombians and Haitians, $800 or $900 a head.

I was getting 800 bucks for each Colombian. I never charged the Haitians.

Senator **Hawkins.** For what?

Mr. **Estevez.** They were coming from Cuba, the Haitians.

Senator **Hawkins.** On your boat? You would bring them in on your boat?

Mr. **Estevez.** My country would bring the Haitians into Camaguey, and then would get them ready and send them up to Bimini.

Senator **Hawkins.** And how did you come in contact with them? How did you come in contact with the Haitians?

Mr. **Estevez.** It was easy. You would just ask if you want to go up to Miami, and I would take 15 or 20 of them up.

Senator **Hawkins.** How did you charge?

Mr. **Estevez.** I never charged the Haitians anything.

Senator **Hawkins.** How about the others?

Mr. **Estevez**. I would charge them $800 and the Cuban Government would get that. There were times when I would take 18 or 20 Colombians at a time, and I would make two trips a day.

The reason I did that was because I was trying to get in with the drug dealers so that they would get to know me and know about me.

Senator **Hawkins**. Mr. Estevez, do you have any knowledge that Cuba is counterfeiting Puerto Rican birth certificates in order to get U.S. passports?

Mr. **Estevez**. No, I know that Cuba is buying birth certificates, lots of them.

Senator **Hawkins**. From whom do they buy them?

Mr. **Estevez**. Well, you can imagine, there is a lot of corruption in Puerto Rico.

Senator **Hawkins**. I would like to change the subject for just 1 second.

We have received considerable testimony that drugs produced in South America are being smuggled through Cuba to the United States. To your knowledge, could Cuba produce drugs which they later sent to the United States?

Mr. **Estevez**. Yes, Cuba does produce drugs, not cocaine, but they produce marihuana.

Senator **Hawkins**. Have you seen the fields?

Mr. **Estevez**. Sure.

Senator **Hawkins**. Could you show us on the map where the marihuana fields are?

Mr. **Estevez**. Sure, I can.

Senator **Hawkins**. Would the marshal lead you over?

[The witness indicated on the map.]

Senator **DeConcini**. Can you identify this area?

Mr. **Estevez**. Manzanillo area.

Senator **DeConcini**. Is Manzanillo the only area?

Mr. **Estevez**. That is the only area that I know about, that I saw.

Senator **DeConcini**. How big is that area?

Mr. **Estevez**. It is a very extensive area and the marihuana is as good as the Hawaiian variety.

Senator **DeConcini**. Madam Chairman, may I proceed——

Mr. **Estevez**. That is the best, $800 a pound. It is now around $1,600 a pound.

Senator **DeConcini**. How many acres does the area encompass and what is cultivated there?

Mr. **Estevez**. I do not know how many acres to say. It is a very large area.

Senator **DeConcini**. Hundreds or thousands?

Mr. **Estevez**. I do not know too much about how to measure the area or give it. It is like the area that they use for coffee plantations, three, five, seven "caballerias," which is a measure in Cuba.

Senator **DeConcini**. Does the government operate cultivation and protection of the product?

Mr. **Estevez**. Yes, the DGI has that in its charge.

Senator **DeConcini**. Does the DGI have any other areas in Cuba?

Mr. ESTEVEZ. Yes. When I was working in the Ministry of the Interior in Villa Clara Province, I heard them talk about marihuana plantations in the Escambrai Mountain area.

Senator DECONCINI. Where is the Escambrai Mountain area?

[The witness indicated on the map.]

Senator DECONCINI. How long has the DGI been involved in this sort of activity?

Mr. ESTEVEZ. I was working there in 1975, 1976, and 1977. I was chief of information there and I was chief of recruitment and information in the BEM department, and then, when they transferred me back to Havana, I was told not to be concerned any further with that matter, that that was under the DGI.

Senator DECONCINI. Do you know whether the DGI had been in the production of marihuana for a long period of time before 1976?

Mr. ESTEVEZ. Fidel has been planning on this for a long time. The Soviet Union has been involved. This goes back to Vietnam days.

Senator DECONCINI. Do you have any dollar value estimate of the export of the marihuana?

Mr. ESTEVEZ. About $200 million.

Senator DECONCINI. A year?

Mr. ESTEVEZ. No, I don't know whether that would be each year, but they get a lot of marihuana that they seize from others in Cuba.

The guerrillas pay in cocaine for their training. The Colombian guerrillas, the El Salvadoran guerrillas, and the cocaine that they seize from ships that they get, all of that comes up here to the United States.

Senator DECONCINI. Do they export to any place other than to the United States?

Mr. ESTEVEZ. Yes, to Canada.

Senator DECONCINI. And other countries?

Mr. ESTEVEZ. Other countries, I don't know, but I know about Canada. I was in Canada.

Senator DECONCINI. Thank you, Madam Chairperson.

Senator HAWKINS. You may come back to sit in the chair.

Senator Denton, do you have questions of this witness?

Senator DENTON. Thank you, Madam Chairman.

Mr. Estevez, I must say you have had an interesting career. I would like to become clear on some distinctions regarding the intent of your training by the DGI.

It is my understanding that you were, in general, training to spy on others in the DGI, then, in that context, to infiltrate and sabotage the anti-Castro elements in Bimini—well, over here, in the United States, particularly Alpha 66, and then you were assigned drug traffic infiltration in Bimini and then you got involved in the same incidents with Mr. Perez regarding the *Lazy Lady*, and you corroborate and confirm his experiences on that drug transfer.

For clarification, you referred to the boats, I believe, as torpedo launchers. Do you think they are the same ones to which he referred as gun boats?

Mr. ESTEVEZ. Well, I don't know whether David Perez has any military training or not.

Senator **Denton**. Yes.

Mr. **Estevez**. All of these vessel, these vessels in Cuba are Soviet built except there is a gun boat called the *Jose Marti* and another one called the *General Cespedes*, but the ones that were there were torpedo boats?

Senator **Denton**. Those two boats were torpedo boats?

Mr. **Estevez**. Yes, certainly.

Senator **Denton**. And that does answer the Madam Chairman's question. They were Soviet-built boats?

Mr. **Estevez**. Yes, they are built by the Soviet Union, except the 43 that was there. That is an old vessel. It comes from the United States.

Senator **Denton**. My questioning will be derived from my own background in studying this from the domestic and international terrorism point of view as well as from the drug trafficking point of view.

I would like to ask you what reasons were given you by the DGI for the Cuban Government's interest in the drug traffic? Was it principally for profit for the Cuban Government or was it principally for what you might call destabilization within the United States or other countries or a mixture?

Mr. **Estevez**. In all of this, the Soviet Union is involved. Since Fidel Castro took over the chairmanship of the nonaligned countries, they have tried, through the Soviet Union, to undermine the United States in the eyes of the world, just like the Soviets did in Vietnam where they undermined the prestige of the United States and another one of their operations there was the heroin for the United States forces.

After that, Fidel Castro took advantage of that Peruvian Embassy situation and the Mariel exodus situation. That had been planned for years. You can be sure that that did not just happen. A lot of people seem to think that Fidel made a slipup with that Peruvian Embassy situation. If Fidel Castro wanted, you would not have found four people inside that embassy.

This business of the narcotics traffic to the United States is a top secret one in Cuba. The only ones who know about it are the DGI agents and Fidel Castro, in particular.

I can tell you one thing, that no Cuban soldier would allow Fidel Castro to traffic in drugs because one thing I can tell you about our country is that Cubans hate drugs.

One of the reasons for this drug traffic with the United States is to throw the United States off in Central America and this big operation of drugs coming up to Miami is part of that. They are trying to create an atmosphere of crisis in the Southern United States and then throw you off and work up in the northern areas bringing equipment and medical equipment and supplies and other stuff through Panama and electronic equipment through Panama.

Lots of those arms that are sent to El Salvador and other places are American arms.

Senator **Denton**. Yes. Mostly captured in Vietnam.

Mr. **Estevez**. Yes.

Senator **Denton**. And some of the arms there are 23 millimeter, very modern Soviet arms in Nicaragua.

Mr. **Estevez.** Yes, I can tell you something about Nicaragua because I have relatives there, and I met lots of Nicaraguans who were training in my country, although during our training, we were forbidden to speak to each other about our training and missions. We had to talk about the weather and just topics in general to each other.

They received stricter training than we did, and they were trained by Russians.

Senator **Denton.** Mr. Estevez, since I am familiar with the Tri-Continental Conference which occurred, perhaps, before your time, in the late sixties in Havana, I am familiar with the DGI being taken over and run directly by a colonel in the KGB. I am familiar with the worldwide use of the Minimanual of the Urban Guerrilla, which was written by Carlos Marighella.

Are you familiar with any of those subjects which I just mentioned?

Mr. **Estevez.** That is the conference you said where Ernesto Che Guevara went. We receive a lot of political information and political orientation training. That is why when we are sent on foreign missions, we go in blind obedience.

We do what we are told, and it doesn't matter what the means. If we have to kill a member of our own family to accomplish the mission, we do it.

Senator **Denton.** It is a tragedy to me, as a Senator, Mr. Estevez, that our Nation, the United States, is not even aware throughout its own Senate that the Minimanuel of the Urban Guerrilla is used in the Mideast—throughout the Mideast, in Africa, in Ireland, and throughout the Central and South American area. Copies of it can be found throughout the United States. Many copies could be found within a mile or two of this hearing.

They used that handbook as their open—that is, within the Communist camp, their open way of trying to take over the world by taking on one government at a time, destabilizing conditions in that country by terrorism, forcing the existing government to exert brutal measures to maintain whatever order they can, then hold that government up for criticism before the world for human rights violations and so on, and then obtain the overthrow of the government and its subjugation to a Marxist/Leninist government.

Uruguay was an example in which they failed, but a rightwing government had to take over temporarily, at least, on the part of the army.

I am most interested to learn that the drug traffic activity destabilization which they tried to bring about by this drug introduction began and goes back to Vietnam and the Soviet efforts to get heroin introduced into the United States via our troops. I am interested to hear you say that that is a secret action which is known only by the DGI members, and that even Cuban Communist soldiers would oppose that.

Do I have that correct?

Mr. **Estevez.** Yes.

Senator **Denton.** What was your own personal interest over the past few years, personal profit or service to the DGI in terms of its infiltration and espionage regarding counterespionage, counterintelligence activities; about 50-50?

Mr. ESTEVEZ. No. No. No. I was born under the revolution. Since I have been 11, I have been familiar with guns.

I remember that I even threatened my own father with a machinegun. I was 11 years old, and they punished me by sticking me down in the basement for 2 weeks.

I was there at Playa Giron, the Bay of Pigs—and those events of the Bay of Pigs have had a tremendous importance in the development of communism. The most immediate result of that was that I was sent to take special courses in the Central Committee of the Party. It was a special course on the Communist or Socialist ideology. We were taught to combat other types of religious beliefs and ideologies including witchcraft, voodoo, and practices of this type——

Senator DENTON. Did I hear him mention "catolica"?

Mr. ESTEVEZ. Yes.

Senator DENTON. The Catholic Church?

Mr. ESTEVEZ. Yes. Anybody who is Catholic in my country has most doors closed to him. You are relating to this matter of the terrorism which you have mentioned. When, in my country, the people seem to be getting a little upset or excited with events, such as in 1978, they burned a children's training institution. The Cuban Government itself rigged that and then, the government comes out and Fidel Castro says, that is the imperialists and the Americans who came in here and burned down our children's training school. But until 1981, I was a good Communist and a good revolutionary.

Senator DENTON. I understand. In addition to the great Cuban presence in Angola, Ethiopia, and in my own personal experience, their presence in Vietnam, one of the most brutal and effective torturers in Vietnam was a man whom the prisoners referred to as Fidel. He was a Cuban. He had a very good understanding of how to maneuver with psychology and with the stick and carrot torture and reward.

He was responsible for the deaths of several Americans while other Americans were visiting Vietnam reporting on the good treatment which prisoners were receiving.

Did I read your testimony correctly in New York when you testified that of the 100,000 or so people in the Mariel boat lift, that approximately 40,000 of these were hardened criminals of the type who would have committed felonies in Cuba?

Mr. ESTEVEZ. Yes, certainly.

Senator DENTON. And the boat lift can be seen as part of the overall destabilization process in the same line as what they hope to do with the drugs?

Mr. ESTEVEZ. I did not quite catch that.

Senator DENTON. What they tried to do with infiltrating, emptying themselves of their most hardened criminals, introducing them into the United States is similar to the introduction of drugs into the United States?

Mr. ESTEVEZ. Yes. No doubt about it. One of the first things that Fidel said in 1981 was, what do the corrupt imperialists think about this.

Senator DENTON. In conclusion, I want to state for the record my own regret that the book "The Terror Network" by Claire Sterling, who was a Communist in college and considers herself a leftwinger now, is not sufficiently understood or publicized within our own media for its remarkable correlation of seemingly unrelated events which this Nation must begin to understand if we are to identify or solve our problems.

Thank you, Madam Chairman.

Senator HAWKINS. Thank you, Senator.

Senator DeConcini.

Senator DECONCINI. Madam Chairman, thank you.

Mr. Estevez, I am sure you are getting tired of questions, and I won't be extremely long. I would like to ask you about one particular area that Senator Hawkins questioned you on.

What is your estimate as to how many Cuban agents came over to this country during the period of time when there was the great exportation? Even though it may be an estimate, can you give us some idea?

Mr. ESTEVEZ. Yes. I could give you a more or less good idea because I was the head of the information and recruitment for the BEM, and I would receive reports on this. Besides that, I was in those three training schools at Soroa and in Managua, near Havana, and the other in Matanzas.

Here, in the United States, you have different kinds of spies, propaganda spies, you have economic spies, terrorist spies, and spies that are being trained for operations in Europe. Now, I am speaking of these as these are sort of special categories, not just those that are in the armed forces; but those that are in the Ministry of the Interior.

I think there has got to be something around 3,000 or over 3,000, and among those political prisoners, also there are spies. Then, you also have those common criminals and there were also lots of them who had been in Angola previously, and they were sent over here in groups of 20 and 40. Their mission would be that if there were ever any kind of trouble with Cuba or war with Cuba to create chaos here, in the United States.

Senator DECONCINI. That estimation is well in excess of 3,000 in the various categories.

Mr. ESTEVEZ. I think about 7,000.

Senator DECONCINI. To your knowledge, do those agents report periodically and under a certain agenda back to the mother country?

Mr. ESTEVEZ. I don't know how that is now.

There are certainly quite a few just like me here, who report every so often. They work this way: sometimes you have those that are going back north to Cuba, and each one of them is in charge of, say, 10 or 12 others. They operate like the Omega organization here operates. There is one overall head or chief operative but the others don't know each other. They are all interconnnected without knowing who the others are.

Senator DECONCINI. Did you have a group? Were you the chief of a group?

Mr. ESTEVEZ. No. When I started out in the drug traffic, I did meet some others that I thought were like that, but at that time, I only had a couple who were working directly for me. One of them even met my supervisor in October 1981.

Senator DeConcini. You mentioned that the soldiers in the military in Cuba would not accept their government's involvement in the drug production or trafficking or export. Is that true of the general public? I assume it is.

Mr. Estevez. That is so very true that that is why I became a traitor to the Cuban Revolution. The same thing would happen that I did.

Senator DeConcini. Isn't it true, Mr. Estevez, that you were not a traitor, but that you were a drug smuggler until you were caught?

Mr. Estevez. As a military officer, I don't feel that I am a traitor, but, certainly, as far as they are concerned, I am a traitor. I think that the biggest traitors of all are the ones who are traitors to the Cuban Revolution.

Senator DeConcini. To the Cuban Revolution. What do you mean when you say "being a traitor to the Cuban Revolution?" Does this mean being involved in drugs?

Mr. Estevez. I said that for them, I am a traitor, but Fidel Castro is a greater traitor still because he was a traitor to the Cuban democracy and turned the country over to the Russians. Up to now, I have been giving information on the location of Soviet missiles and bases in Cuba as much as I am able to.

Senator DeConcini. So, what you are saying, then, is that when the revolution came along, it was the expectation of yourself and many other Cubans that a new form of democracy would be established rather than the Communist/Marxist state?

Mr. Estevez. That is so much the case, that in 1960, it was Fidel Castro himself that said that our country—literally, he said, was as green as the palm trees. That is to say—this is a Cuban way of saying that he would never be a traitor to the Cuban people.

Senator DeConcini. In fact, he has been a traitor both to the Cuban people and to the revolution that he led.

Mr. Estevez. Yes, now that my eyes have been opened, I am seeing things that way.

Senator DeConcini. Do the military and the general public know of the Government's involvement in marihuana and other drug trafficking?

Mr. Estevez. The Cuban people cannot believe the involvement of the Government.

Senator DeConcini. The Cuban military and the people?

Mr. Estevez. Both the military and the Cuban people.

Senator DeConcini. Is it kept quiet through censure and nondisclosure?

Mr. Estevez. You never hear anything about it there. If a radio station from the United States could get through to Cuba with that information, I don't think that the Castro government would last a year. That, I can tell you for sure.

I was told that if any type of radio transmitter station such as Radio Marti was set up here, that it would have to be urgently destroyed.

Senator DeConcini. In your opinion, would another revolution occur if the Cuban people, even the military people, many of whom are members of the Communist Party, knew that their government is involved in the massive drug production and exportation?

Mr. **Estevez.** Certainly, there would be another revolution. Both the Cuban people and the military forces in Cuba, which are part of the Ministry of the Interior, just as in the case of me, personally, I used to have under my supervision members of the armed forces and members of the party, too, everyone is being checked and watched.

Senator **DeConcini.** What makes you think that other Cubans in the government and in the military would not go along with it as you did for a long period of time?

Mr. **Estevez.** Well, I hope that is what will happen.

Senator **DeConcini.** But, in fact, you went along with it although perhaps out of fear or intimidation. Is it not safe to say that the Cuban people, particularly the military, would maintain loyalty to the government even if they found this out?

Mr. **Estevez.** No, they would not be loyal if they knew what was happening, and I was not when I knew.

And if the Cuban military could come to the United States and spend 2 weeks here and see the freedom of expression and liberty that there is here, Fidel Castro's government would not last a week.

Senator **DeConcini.** Thank you, Mr. Estevez.

Senator **Hawkins.** Mr. Estevez, may I ask you one thing, since you did bring up Radio Marti.

Do the Cuban people receive any radio broadcasts, to your knowledge, from the United States?

Mr. **Estevez.** Yes, the American station that does get through to Cuba and it is not too powerful, is the Voice of the Americas, but Fidel Castro has a radio jamming installation which he installed in the Guanabo area so these stations don't get through.

When I was in Las Villas, everybody would get their news on the Voice of the Americas. One friend would tell another, and that is the way we would know what was going on, and I can tell you—I don't want to be too long in making my statement here, but I can tell that the Cuban Government and the Russians and the Communists are very much concerned about Radio Marti.

Senator **Hawkins.** How many short wave radios do you estimate are owned by individual Cuban families?

Mr. **Estevez.** Short wave?

Senator **Hawkins.** Short wave.

Mr. **Estevez.** Everybody has got a short wave, but there are very strong jamming stations, like the CR-15 and CR-25 down there. It is a Soviet satellite system that jams the radio transmissions.

Senator **Hawkins.** Thank you, Mr. Estevez.

Are there any further questions?

Just one moment. Mr. Manion has some questions for Senator Helms.

Mr. **Manion.** Thank you, Madam Chairman. I appreciate the courtesy that you are extending to Senator Helms, and I would like to congratulate a fine son of North Carolina, Ed Rock, the translator today, who, in my experience, is tops. I've seen a lot of translators in my work, Mr. Rock, and you are the best in the business.

I will be brief, Madam Chairman. Mr. Estevez, is there a drug problem in Cuba?

Mr. **Estevez.** Anyone who is caught with drugs in Cuba goes to jail for at least 10 years. Just talking about drugs is enough to get you in jail.

Mr. **Manion**. I see. I think that we need not pursue that any longer to make a comparison. In your testimony about drugs going from Cuba to the United States, you mentioned drugs seized by Cuba that went into that supply that Cuba then sent northward. From whom were these drugs seized?

Mr. **Estevez**. The ones that don't have the contacts made with the government. The ones that are not doing it with Fidel.

Mr. **Manion**. A recent visit to Cuba by a colleague of mine on the staff of the Foreign Relations Committee included a lunch with a high official of the Cuban Government. That high official said that Cuba was very hard on drug smugglers, and that there were Americans in Cuban jails to prove that.

From your experience, would you say that that high official was telling the truth?

Mr. **Estevez**. Yes, I think I can say that there are cases when Americans do go with drugs to Cuba. There are others, of course, who do not.

Mr. **Manion**. So, your point is that if they don't cooperate with Castro's operation, Castro will be very hard on drug smugglers?

Mr. **Estevez**. Castro, of course, seizes the drugs and arrests them, too. The ones that they are dealing with, though, don't have any problem at all.

Mr. **Manion**. You testified, earlier, that you had taken cocaine to the United States and had taken cash back to Cuba—or, rather, had taken money back to Cuba.

Was that in cash or was that in negotiable instruments?

Mr. **Estevez**. I would carry cash and also I would take back armaments and equipment of various kinds.

Mr. **Manion**. I see. Does some of the Cuban drug money stay here, in the United States, perhaps, to finance the DGI network of thousands of agents that you have described?

Mr. **Estevez**. To finance all of the DGI agents here, in the United States, is no problem at all. They have all kinds of businesses operating here. They even have banks.

Mr. **Manion**. In the training camp in Managua or the other training camps which you described, do you think or, to your knowledge, were any Cuban DGI agents trained to aid the guerrilla effort in El Salvador?

Mr. **Estevez**. Well, Colonel Blanco is one of them.

Mr. **Manion**. Was he trained and sent to El Salvador?

Mr. **Estevez**. No, it is that—Colonel Blanco is in charge of training of agents and of guerrillas, and then, they send them to El Salvador and those countries, Cubans and El Salvadorans.

Mr. **Manion**. I see. One last question: Did they ever mention the Kennedy-Khrushchev accords to you in training camp?

Mr. **Estevez**. We do hear a great deal about Russian and American politics. What I certainly know is that there are Russian atomic missiles in Cuba.

Mr. **Manion**. Madam Chairman, I think that will probably be a matter for another hearing; I appreciate your gracious invitation to ask these questions. Thank you.

Thank you, Mr. Estevez.

Senator **Hawkins**. Senator Denton.

Senator **Denton**. Yes. I can't understand, picking back up on Senator DeConcini's line, I can't understand how the Cuban people, any more than the Polish people or the Hungarian people or the Czechoslovakian people who have undergone loss of life in trying to manifest their desire and intent to revolt, I don't see how the drug issue would transcend the issue of repression of their Catholic faith or the other hypocrisies which must be evident to them.

I think it would be important and make them feel strongly, but I am not sure they would be able to successfully revolt against a regime which holds them in slavery by terror.

Mr. **Estevez**. Yes, I still think so. One of the things that the Cuban people would have to do is find out the truth. The Cuban people have to be told the truth, the truth about Fidel Castro. They are certainly not going to get the truth in Cuba from Fidel.

The Cuban people are resolute. They just need a bit of a push. That is all they need.

Mr. **Manion**. And the truth.

Senator **Hawkins**. And the truth.

Thank you so much, Mr. Estevez. I will agree that we have a great translator. We thank you so much——

Mr. **Rock**. Thank you, Madam Senator.

Senator **Hawkins** [continuing]. For helping us today.

[The transcript of relevant portions of Mr. Estevez' testimony before the U.S. District Court in Miami, Fla., in February 1983, is found in the appendix as exhibit 5, beginning on p. 364.]

Senator **Hawkins**. At this time, we will take a short break, probably a 15-minute break.

[A lunch recess was taken.]

STATEMENT OF AMBASSADOR TOM BOYATT, FORMER U.S. AMBASSADOR TO COLOMBIA

Senator **Hawkins**. We call the Joint Hearing of the Senate Drug Enforcement Caucus, the Senate Judiciary Committee's Subcommittee on Security and Terrorism and the Senate Foreign Relations Committee's Subcommittee on Western Hemisphere Affairs back to order.

We will next hear from Ambassador Boyatt, former Ambassador to Colombia.

It is through his aggressive investigation of the role of Cuba in the role of drug trafficking that this issue was first raised by the administration.

During his tenure as Ambassador, he effectively worked to establish drug enforcement and eradication as U.S. foreign policy priority.

Ambassador Boyatt, we welcome you here, and would like to have your opening statement at this time.

Ambassador **Boyatt**. Good afternoon, Madam Chairman, Senator DeConcini, I am pleased to be here to have this opportunity to read a few comments into the record and to answer any questions that you might have.

I might also say that I am gratified to you, and to the other Senators, for this effort at publicizing a situation—the Cuban Connection—which I consider today and have considered, as you know, for several months to be a major threat to the United States.

With your permission, I would just like to make three comments. I don't have a prepared statement, but I would like to read these comments into the record.

Senator **Hawkins**. Fine.

Ambassador **Boyatt**. I would like to begin with a quote from my friend and former colleague at the State Department, Ray Cline, which appeared in a 1980 magazine article when he said this:

> Terrorism today is more than an intrinsic, inescapable consequence of the flaw of character of mankind. It is a form of low intensity warfare. It is intended by those who finance it, arm it and ideologically inspire it to weaken and ultimately to dissolve the fabric of civilized behavior and societies built upon the moral imperative of preserving the political and economic freedoms of individual citizens.

Terrorism is a form of low-intensity warfare, and governments wage warfare.

I would also like to put into the record a reference I made in my testimony of April 21, 1982, before the House Foreign Affairs Committee on the Cuban Connection, and this testimony, which is now 1 year old—over 1 year old—reads as follows:

> Since my last congressional testimony on the narcotics situation in Colombia, there has been a very startling development which seriously threatens both the United States and Colombia. It is a matter of which this committee should be fully seized in the national interest. The United States now has detailed and reliable evidence, as Ambassador Enders underlined in his March 12 testimony before the Senate Subcommittee Hearing on Terrorism, that intelligence officers of the Cuban Government have been assisting Colombian narcotics traffickers in transporting drugs to the United States and using these same traffickers, their boats, their planes and their personnel to smuggle arms and guerrillas to Marxist terrorist groups dedicated to overthrowing Colombia's free elected government.
>
> I realize that this statement will generate a strong reaction from apologists for totalitarian Cuba and from those romantics who, as an act of faith, believe that every group of terrorists in Latin America somehow represents the downtrodden masses against oppression by an oligarchy. In Colombia, this construct is nonsense. There is nothing romantic about the killing, the robbing, and the kidnapping perpetrated on a daily basis by Colombian terrorists, so-called revolutionary groups. There is nothing romantic about threats made against myself and my family on a frequent basis, and there is nothing romantic about efforts of Cuban officials to use traffickers to send guns to Colombian terrorists dedicated to overthrowing a democratically elected and progressive elected government in that country.
>
> Any Cuban Connection with drug traffickers as a vehicle for harming the United States and shipping arms clandestinely to Colombia and elsewhere to help terrorists destabilize democratic governments must be exposed, understood, admitted and countered.

Madam Chairman, I made this statement over 1 year ago, and I made it with great confidence in the facts at my disposal. In this regard, I hope I will be forgiven for the sin of pride when I say to you that the work of my colleagues—my diplomatic colleagues from the Foreign Service and my police colleagues from the DEA at the American Embassy in Bogota by taking what was initially, in 1980, suspicions and indications, and through diligent and dangerous work turning those suspicions and indications into intelligence information and subsequently into evidence—is something of which I am very proud. I cannot mention these people by name, but they know who they are, and I want you and the other members of the committee to know and, indeed, the public to know that they serve this country well.

And with that bit of braggadocio, I would be happy to answer any questions you might have.

Senator HAWKINS. We are very proud of you, Ambassador, and your great service to our country and great vision to speak up early when it is not very popular to do that as a diplomat.

Based on your experience as a U.S. Ambassador to Colombia and your knowledge of the *Guillot* case, is there any doubt in your mind that the Government of Cuba is assisting international drug smugglers to reach the United States?

Ambassador BOYATT. Madam Chairman, there is no doubt at all, and to make it even clearer, Cuba is an absolute dictatorship. It is a one-man show, and I am convinced that from Fidel Castro on down through his intelligence networks and his military networks and his police networks, that it is a matter of Cuban national policy to damage the United States through the drug connection.

Senator HAWKINS. Could four senior members of the Cuban Government be involved in drug trafficking without the knowledge and approval of Fidel Castro, in your mind?

Ambassador BOYATT. No, ma'am.

Senator HAWKINS. There has been considerable testimony regarding Cuba's role in gun trafficking, also. Do you believe that the Government of Cuba is supplying guns to terrorists in Latin America?

Ambassador BOYATT. I not only believe it, I think that the evidence is overwhelming in that regard.

Senator HAWKINS. What is the relationship of the gun smuggling to drug trafficking?

Ambassador BOYATT. Well, the *Guillot Lara* case proves that the drug-trafficking structure, the same people, the same planes, the same means of transportation were used to carry marihuana northward to the United States to hurt the United States and to bring guns south to Colombia to supply those guns to the M–19 for the purpose of overthrowing the freely elected Government of Colombia, and that is a matter of evidence and a matter of record. I think that is indisputable.

Senator HAWKINS. Last year, the *Karina*, a Cuban ship that was carrying guns to the M–19 guerrillas, was sunk by the Colombian Navy. What do you believe is the level of involvement of the Cuban Government in gun trafficking?

Ambassador BOYATT. I believe that the Cuban Government, as a matter of policy from the President—from Castro on down, is dedicated to assisting any insurgent movement of a Marxist nature which is dedicated to overthrowing an other-than-Marxist government in this hemisphere, and elsewhere, for that matter, but in this case, in this hemisphere.

Senator HAWKINS. Thank you.

Senator DeConcini?

Senator DECONCINI. Thank you, Madam Chairman.

Mr. Ambassador, my compliments to you for an outstanding job representing our country in Colombia.

We had a witness this morning described to us as a major Colombian narcotics trafficker, a former citizen now under the victim-witness protection program, and, obviously, being used in certain criminal investigations at grand juries, et cetera.

It was interesting to me to note that he said that there was a change in the military and police people whom he would deal with in the area of being able to make arrangements for exportation of large quantities of marihuana. He said it would change 6 months, 8 months, all the time, and it was very, very easy to corrupt them through payments of cash. He left me with the belief that there were no other alternatives down there, whatever you wanted to pay, you finally buy the ability to do that.

Do you agree with that as a general premise?

Ambassador BOYATT. I will not sit here, Senator, and tell you that corruption in Colombia or, indeed, in this country, is not a major problem. It is a major problem.

Senator DECONCINI. Wait a minute. Let me interrupt you. I do not really want to go deeply into corruption in this country, but are you saying that corruption is a major problem in this country?

Ambassador BOYATT. I think that——

Senator DECONCINI. Of public officials?

Ambassador BOYATT. I think that any situation in which you have billions of dollars being managed by crooks and drug smugglers, you have the potential for that kind of thing.

Senator DECONCINI. OK, let's move back to Colombia.

Ambassador BOYATT. And in Colombia, it is a major problem. My own judgment is that so far it is a problem primarily at the local level, that it hasn't become a problem at a higher level as it has in other countries in South America.

I might point out that one of the reasons for the rapid turnover of personnel is precisely the awareness of the higher levels of the national police and the military and of the executive branch, in general, for that matter of the threat and the danger of corruption, the concept being that you don't leave an official in place any great length of time because, by so doing, you increase the chances that he will be corrupted. But it is a very serious problem.

Senator DECONCINI. Well, our witness, Mr. Crump, left me with the impression it didn't matter who was in the position. He stated that he had never found one official who would not accept a certain amount of cash for landing rights or transportation rights.

You said it doesn't flow from the top, it flows from the bottom. My understanding is that in Mexico and a few other countries, it comes from the top. Is Colombia the exception?

Ambassador BOYATT. I would have to say that it is. I also have to say, though, that Colombia is sui generis, in my experience. Obviously, because of the size of the drug problem there——

Senator DECONCINI. What has the United States attempted to do with the Government of Colombia to straighten up its internal house in order to curtail the transportation of coca leaf and other drugs from Peru and Bolivia? Is there a concentrated effort, and if so, please explain what that effort is?

Ambassador BOYATT. Yes, sir, there is a concerted effort. We are working in two broad areas in Colombia toward those goals. One is joint police work, our DEA people working jointly with the Colombian National Police, actually making cases, either in Colombia or in the United States on the basis of evidence developed jointly. That is one aspect of it. It might be called the operational aspect.

In addition to that, there is an institutional aspect. We have been attempting, over a period of 10 years or so, to strengthen Colombian institutions that deal with the drug problem, the national police, primarily, but there are customs people and others, by bringing Colombian officials to the United States to train them, taking U.S. officials to Colombia for training and joint operations, by upgrading equipment, helicopters, spare parts, pilot training, programs of that description, which are designed to assist the Colombians to do the job.

Senator DECONCINI. Have the Colombians ever considered a massive blockade or quarantine of their own coastline?

We see classified and unclassified reports of these coastal cities that are exporting it. Obviously, the Colombian Government knows that, yet fails to absolutely close those exportation ports down.

Why is that? There must be something there—economics, I suspect—that the Colombian Government can't face. Is that a fair assessment?

Ambassador BOYATT. It is a resource problem. It would require ships and men on a scale that the Colombian Government just doesn't possess. I mean, to get some feel for the problem, look at our own situation. If we could build a similar cordon around the coast of the United States to prevent the stuff getting in at this end, we would do it, but we don't have the ships or the men to do something on that level.

Senator DECONCINI. I think we do have the ability. We may just lack the leadership to do it. As a matter of fact, we practically encourage them to come over, but that is another issue.

Have there been any negotiations between the Government of Colombia and our Government to provide military resources in aid of attempts to stop the flow in or out?

Ambassador BOYATT. Military resources being equipment?

Senator DECONCINI. Equipment——

Ambassador BOYATT. Yes.

Senator DECONCINI [continuing]. Training, consultants, advisers and the like.

Ambassador BOYATT. We have provided military equipment. To my knowledge, U.S. military personnel have not been used for training in that regard. It has been U.S. police personnel and customs.

Senator DECONCINI. Do you think the Colombians lack the capacity and resources to substantially curtail that flow?

Ambassador BOYATT. Beyond the curtailment that is now going on, which we might say is, roughly, 10 percent, it would take an enormous additional influx of resources, in my judgment.

Senator **DeConcini**. How much of it is related to the economics? Is there any hope, from your standpoint, of Colombian economics turning these people away from trafficking, or is it just too lucrative to expect anything other than what we are having today?

Ambassador **Boyatt**. I think that it is probably too much to expect an internal economic dynamic in Colombia that would be on a scale required to turn people away from trafficking. However, I don't want to be totally negative in that regard because the indications that we have are that the amount of marihuana produced in Colombia is going down.

It is hard to say why that is the case. It may be because of increasing U.S. production. It may be because of dropping demand in the United States. It may be because the quality of the Colombian marihuana is not good, or it may be some combination.

One factor in that could be—I can't prove this, but could be the enormous coal development in the Guajira area, the north coast area of Colombia, which is the marihuana growing area as well as the marihuana distribution area. This is an alternative source of employment, and it would, I would hope, have the effect of dragging people out of the marihuana business and into legitimate activity.

Senator **DeConcini**. Is it your judgment, Mr. Ambassador, that it is physically impossible to curtail the flow of the cocoa leaf from Peru and Bolivia into Colombia and then to the coastline?

Ambassador **Boyatt**. I think it is probably physically impossible once the chain has started to move.

My sense of it is, and I am not an expert on the Altiplanos of Peru and Bolivia, but my sense of it is that the best chance for reducing that flow significantly is at the source, in Peru and Bolivia, developing alternate sources of income for the people who are growing the stuff now.

In other words, the closer you get to the source and stopping it, the better chance you have. I think once it has started to move, I think, the task is virtually impossible.

Senator **DeConcini**. You are talking about substituting some economic reason——

Ambassador **Boyatt**. Yes, sir——

Senator **DeConcini** [continuing]. To exist as was done in Turkey and other areas?

Ambassador **Boyatt**. Yes, sir.

Senator **DeConcini**. I thank you, Mr. Ambassador.

Thank you, Madam Chairman.

Senator **Hawkins**. Mr. Lisker, do you have any questions for Senator Denton?

Mr. **Lisker**. Yes, I have, Madam Chairman. Thank you for the courtesy you have extended Senator Denton in allowing me to question on his behalf.

Mr. Ambassador, one great concern that Senator Denton has, and I think it was somewhat focussed upon in the "Face the Nation" interview with Judge Webster, which I know you are familiar with and which took place last Sunday, is his concern that, in many areas, it appears that our Government, including our investigative and intelligence agencies require proof beyond a reasonable doubt before they are willing to draw conclusions or make inferences which they are willing to report in either a public forum or even privately, before the United States acts and formulates a response to such a situation such as the Cuban Government's involvement in the drug trade.

Do you feel that it is necessary to have proof beyond a reasonable doubt, as is required in criminal prosecutions? I would very much like to have your comments on that.

Ambassador Boyatt. No, I certainly do not. I am sure there are a lot of lawyers in this room, and there are certainly a lot of lawyers in the executive branch, and I understand there are more than a few in the Senate of the United States.

I think that, as a government, we sometimes suffer from what I call the lawyer's syndrome. Quite naturally, a lawyer in government tends to see the world that he deals with in a legal framework. I am here to tell you that the world is not an Anglo-Saxon courtroom. The rules of fair play and the rules of evidence that we apply in our Anglo-Saxon jurisprudence simply do not apply. To wait in terms of diplomatic activity and political activity until you have a case which is sustainable in an American court of law is more often than not to wait until it is too late, until you have already been damaged or you have already been hurt or your goals are no longer achievable.

I would argue strongly and have argued strongly within the councils of our Government that once we have protected the credibility of the United States, then it is time to act because it you don't, if you wait until you can prove it in a court of law, you are not in a court of law, you are in the world, and in the world you can be damaged badly, and I think we have been damaged badly.

Look, let's be frank about this. These are your kids and mine that they are shooting at. They are not shooting at them with guns, but they are shooting at them with drugs.

I think that we have contributed greatly to stopping them by exposing them, and that is why I am so grateful for this hearing.

Mr. Lisker. Thank you for your candor——

Ambassador Boyatt. You have gotten one of my prejudices out into the open.

Mr. Lisker. Let me just ask you one more question: You were our Ambassador to Colombia at the time of the sinking of the *Karina*——

Ambassador Boyatt. I was.

Mr. Lisker [continuing]. And this ship was reportedly carrying weapons to guerrillas of Colombia.

Consistent with your obligation to protect sources and methods, would you please describe the circumstances surrounding the sinking of this vessel, including such information as you may have regarding its cargo?

Ambassador Boyatt. I think that the fact that the Colombian Navy was there when these two—it was two ships, the *Karina* and the *Zar*, were both caught by the Colombian Navy in a very small stretch of coastline, indicates to me that they had been tipped off. And whoever tipped them off had accurate information because the Colombian Navy found the ships, sank one and confiscated one.

The same sources of information, confirmed by actually finding the vessels, are also the sources for the fact that they were, in fact, loaded down with weapons, and I have just no doubt that that was the case, and I am, personally, convinced that they were Guillot Lara's ships that had been part of this drug/guns connection, this time moving south.

Mr. LISKER. For which group would these weapons be destined?

Ambassador BOYATT. Destined for the M-19's.

Mr. LISKER. Thank you.

Senator HAWKINS. Mr. Manion.

Mr. MANION. Thank you, Madam Chairman. Mr. Ambassador, thank you very much for taking your time to come and be with us today.

I know your successor in Colombia, Mr. Tambs, is very appreciative of the work you did there, and we are hopeful that he will be able to move forward and act on many of the problems we are discussing today. One of those is the point of interdiction, which you mentioned, of the drugs themselves en route. You said that the closer they were interdicted to the source, the better.

What is the situation on the coast of Colombia with regard to American interdiction efforts, specifically, those of our first line of defense, the Coast Guard? What are the relationships between the Coast Guard and the Colombian Navy and Coast Guard and would you elaborate on those, please?

Ambassador BOYATT. The relationships between the law enforcement agencies, from the police on one end up to the Coast Guard on the other, are very cooperative indeed, there have been a series of joint operations which have been carried out very close to the Colombian coast, which Admiral Murphy, as its operational head, the V.P.—the Vice President's task force has been involved in that.

The cooperation has been excellent. I would say, however, that the Government of Colombia is a—I want to use the adjective "nationalistic" government. But I don't want you to think I am saying that in the pejorative sense. It is a proud government, very much concerned, properly, with its dignity and sovereignty, and, therefore, questions of territory, seas and overflights and so on require, of course, permission of the Government of Colombia in every instance, but, with having said that, the fact is that in these operations, the cooperation has been very good.

Mr. MANION. Thank you. I might add, as a footnote, that nationalism is as honorable a tradition in Latin countries as federalism is in our own.

With regard to Cuba, what are Colombia's relationships to Cuba, and how have they developed in the last couple of years during your tenure there?

Ambassador BOYATT. When I arrived in Colombia late in 1980, the two countries maintained normal diplomatic representation. There was a Cuban Ambassador in Colombia, who has now become famous in the American courts and elsewhere: Ambassador Ravelo. Bassols was the Minister-Counselor, the No. 2, and they had one or two officers at the Colombian Embassy. There was normal Colombian representation in the Colombian Embassy in Havana.

In March and April 1981, two columns composed of 200 to 300 guerrillas each, invaded the Pacific coast of Colombia at two different points. Both of these columns were met and routed by the Colombian Army. In the case of one column, they took several prisoners, well over a hundred, including two or three of the people referred to this morning by Johnny Crump in his testimony, Toledo Plata and "La Chiqui" and others, and of these persons, several gave evidence that they had been recruited with the help of the Cuban Embassy in Bogota and had been trained in Cuba and some armed in Cuba, and that Cuba has facilitated their return to Colombia to invade the country.

Well, obviously, on learning of this, the government of President Turbay, as any self-respecting government would do in similar circumstances, could not tolerate the continued presence of people trying to overthrow a democratically elected government on their soil. So they suspended relations and all diplomatic personnel were withdrawn on both sides, and that is the situation that remains today.

There are forces in Colombia, which, almost from the beginning, have been calling for a reopening or reestablishment of the suspended relationship, but, so far, that has not happened.

Mr. MANION. There are similar voices within our own country vis-a-vis our own relationship with Castro.

In your candid assessment, do you think that improved relationships with Fidel Castro would lead to a diminution of his exportation of terrorism to the hemisphere or his encouragement of the drug traffic toward the United States?

Ambassador BOYATT. I cannot prove it, but I do not think so.

Mr. MANION. Beyond a reasonable doubt, I am afraid we will never have that, any proof of that, one way or the other.

Last, we have often heard about public and private diplomacy. You are a seasoned diplomat and have earned your colors, as I am pleased to read, in some very threatening, dangerous situations.

Relying on that background, I wonder if you might chart a hypothetical course for diplomatic resolution or addressing both publicly and privately this war that seems to be declared on the population of the United States in terms of drugs, which is, as Senator Helms has said many times, just as effective as bullets only worse because you don't know when you are wounded. What kind of diplomatic overtures can be made in order to begin to address this state of war, this state of siege?

Ambassador BOYATT. This is with respect to the Cuban connection?

Mr. MANION. You bet.

Ambassador BOYATT. Well, I think the sine qua non, the first and absolutely essential step has already been taken, and that is to say, the public exposure of what is going on. Frankly, I have found it very disappointing that on the basis of Tom Enders' testimony in March of 1982 and my testimony in April of 1982, except for the papers in Miami, you wouldn't have known that we had stood up publicly and said, the Cubans are assisting drug smugglers in getting drugs into the United States.

There was almost not a word anywhere, which I find shocking. That is a major threat to our country, and, therefore, a major story, and it didn't appear anywhere, and I am hoping that our session today will contribute to solving that problem a little bit. The American people should know what they are facing down there, and, at the same time, we will make it very clear to the Cubans that we know what they are up to.

In terms of countermeasures, I would defer to Deputy Assistant Secretary Jim Michel, who will appear later, who is an expert on the Washington scene, which I am not, just having left Bogota a few days ago. But I think there are a lot of things that could be considered: Economic countermeasures of various kinds; some very frank words with the Cuban Government, their protestations to the contrary notwithstanding, we will simply tell them that we have the goods on them, and if they are determined to protest their innocence, then let them send their four indicted officials here to stand trial on the basis of Anglo-Saxon jurisprudence.

They would be convicted. There might be some avenue in regional or international organizations that we could pursue to expose this, but the main thing is to keep pounding away at the Cuban drug connection in public forums because that will make it very hard for them to continue.

Mr. MANION. One thing that I am glad to put on the public record today is that, as Senator Helms has mentioned, he has asked that the Subcommittee on Western Hemisphere Affairs be briefed on the Kennedy-Khrushchev accords. He has asked this of two Secretaries of State, and Secretary Shultz has recently assured Senator Helms that we will be so briefed and Senator Helms is very desirous of putting on the public record a full and open discussion with the Secretary of State with all Senators, not just those members of the committee and subcommittee. They will be invited to discuss what must be one of the first steps in a diplomatic assessment of the situation, which is to find out what is on the record, to find out what the past 20 years of agreements have produced and what kind of relationship we have with Cuba. On March 8, 1982, as I recall, CIA Director Casey said in U.S. News & World Report that Cuba and the Soviet Union had been breaking the Kennedy-Khrushchev accords since the day they were written, and that is something that the American people have a right to know. Senator Helms is glad to see the light at the end of the tunnel with regard to our efforts to bring those to the attention of the American public.

Thank you very much, sir. Thank you, Madam Chairman.

Senator HAWKINS. Thank you, again, Mr. Ambassador. Your vision and courage and fortitude are much admired. We are very proud of you. We look forward to working with you in the future.

Ambassador BOYATT. Thank you very much. I look forward to that, too. Thank you all.

Senator HAWKINS. Thank you.

We will next hear from Mr. Francis M. Mullen, Jr., the Acting Administrator of the Drug Enforcement Administration. Through his leadership and effectiveness, the South Florida Task Force has demonstrated the value of coordinating the Federal resources.

I was pleased to learn recently from the DEA that methaqualone emergency room visits have fallen 67 percent during the past year and while it has curtailed, about—the street price has increased from $3 to $20.

So, that is a great accomplishment, and great strides have been made, and we look forward to hearing your testimony, Mr. Mullen.

STATEMENT OF FRANCIS M. MULLEN, JR., ACTING ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION

Mr. MULLEN. Thank you, Senator Hawkins.

With regard to the development in the methaqualone area, we have you to thank for a good deal of that. Your trip to the People's Republic of China was very helpful and we were very appreciative in the law enforcement community. It meant a lot to us.

Senator Hawkins, it is a pleasure to appear before your committee again. I have a very brief statement, and then, a more detailed statement to submit for the record, if I may.

Senator HAWKINS. Surely.

Mr. MULLEN. Madam Chairman, your interest and concern about the threat which drug trafficking and abuse pose to our country is shared by many Americans. It is most appropriate that this hearing is being held in Miami because of the significant role, albeit an involuntary one, that south Florida plays in drug trafficking in the United States. It functions as both a principal entry point for drugs and as a base of operations for many marihuana and cocaine organizations.

The primary motivation for becoming involved in drug trafficking is profit, which is billions of dollars per year. A problem which drug law enforcement authorities face worldwide, and one which contributes to the traffic, is the corruption and/or complicity in drug traffic by State, local, and even Federal authorities. The specific subject which I have come to Miami to address goes beyond the corruption of authorities to the active participation in the traffic by high-level government officials—officials of the Government of Cuba.

As early as 1963, DEA's predecessor agencies received information alleging a Government of Cuba role in drug trafficking. Most of the reporting was uncorroborated and discussed isolated incidents. Not until the development of the Jaime Guillot Lara investigation in late 1981 did we begin to collect corroborated, detailed intelligence indicating a Cuban role in drug trafficking.

Jaime Guillot Lara, a Colombian national, is a major marihuana, cocaine, and methaqualone trafficker whose activities have been known to DEA since at least 1976. He is the documented owner of, or has an interest in, many seagoing vessels capable of carrying tons of marihuana. A total of 2.5 million pounds of marihuana, 25 million methaqualone tablets, and 80 pounds of cocaine were documented as having been sent to the United States by Guillot in 1977 to 1981.

Several sources of information provided intelligence, and recently testified in court in Miami, that certain officials of the Government of Cuba aided Guillot in the movement of drugs from Colombia, through the Caribbean, into the United States.

Guillot began his association with Cuban officials in Colombia in late 1979 when another trafficker introduced him to Cuban officials assigned to the Cuban Embassy in Bogota. Although the possibility of utilizing Cuba as a stopover for drug cargoes was discussed, it was not until July 1980, when Guillot again met with these Cubans, that serious consideration was given to the proposal.

During 1980 Guillot began to receive official Cuban protection for the movement of his drug-laden vessels to the United States. The

Cubans reportedly charged Guillot $10 per pound of marihuana transported through Cuba. Depending on the size of the shipment, Guillot was paying the Cubans hundreds of thousands of dollars for each load of marihuana.

The Cuban association with Guillot provided Cuba with a dual benefit. DEA learned that Cuba's facilitation of Guillot's smuggling ventures provided hard currency which Cuba used to support revolutionary activities in Latin America. Cuba was also able to utilize the smuggling expertise and capabilities of Guillot by having him transport and deliver arms which were ultimately destined for the Colombian terrorist group, M–19, led by Guillot's close friend, Jaime Bateman.

On November 25, 1981, Guillot was arrested in Mexico City on false documentation charges. Although both the Government of Colombia and the United States attempted to extradite Guillot from Mexico, neither was successful. On September 30, 1982, Guillot was released and fled to Europe. We believe that Guillot may have made his way back to Colombia. Other agencies may disagree; he has been reported to be in Cuba, Spain, and several other areas. Obviously, he is on the move at this time; we believe, possibly in Colombia.

I will not detail the trial activities. I understand that the local U.S. attorney was able to do that for you. I will state, however, that since the involvement of Cuba in drug trafficking was widely publicized, we have received additional intelligence which may indicate continuing Cuban complicity in drug trafficking. When we examine the total amount of intelligence and evidence that is available from the 1970's, the Guillot investigation and its followup, as well as new intelligence being developed, it is the position of DEA that the Government of Cuba is cognizant of the movement of drugs through its territory and may be facilitating this movement.

Considering the volume of drug trafficking in the Caribbean, the proximity of Cuba to the United States, and the benefits to be derived by Cuba from even minimal participation in the drug trade, it is important that we continue to be aware of this likelihood and that State, local, and Federal agencies continue to share, analyze, and pursue intelligence on this subject.

Madam Chairman, that completes my brief statement. I will be pleased to answer any questions the committee may have.

Senator HAWKINS. Thank you, Mr. Mullen.

Do you know what efforts the United States made to extradite Guillot from the prison in Mexico?

Mr. MULLEN. I am not familiar with the intricate details, but I do know that very strong efforts were made, not only by this country, but also by Colombia, to extradite Guillot to the United States. We requested extradition based on charges that were pending in this country.

With regard to the eventual outcome of that matter, I am somewhat puzzled and somewhat disappointed that he was not extradited to this country. I do not know the reason. I do understand the report in this matter has yet to be released by the Mexican Government.

Senator HAWKINS. To your knowledge, has Mexico ever favorably responded to an extradition request concerning a U.S. drug violator?

Mr. MULLEN. My information is that it has not.

Senator HAWKINS. Do you believe that there is a relationship between drug trafficking and terrorism?

Mr. MULLEN. There is no doubt that there is a relationship between drug trafficking and terrorism in many parts of the world, not only Latin America.

While our primary focus, our primary mission, is drug law enforcement, we are seeing more and more intelligence indicating a relationship between drug trafficking and support of subversive terrorist activity.

Senator HAWKINS. Do terrorists use their drug profit to finance their terrorism?

Mr. MULLEN. That is their main reason for involving themselves in drug trafficking. There was a time when we did not see terrorists involved in drug trafficking.

Now, it is apparently expedient to use this method to finance their activity, there is a relationship.

Senator HAWKINS. I know you are familiar with the NNBIS—national narcotics border interdiction system.

Mr. MULLEN. I am. We abbreviate that to NNBIS. It is easier to say.

Senator HAWKINS. I went to the briefing.

Mr. MULLEN. I was out of the country with the Attorney General. We recently visited Latin America.

Senator HAWKINS. Mr. Meese——

Mr. MULLEN. That's right——

Senator HAWKINS [continuing]. Announced the new plan to, in essence, expand the South Florida Task Force around the entire United States into the northern regions.

Mr. MULLEN. The NNBIS, if I may be permitted to abbreviate it, is really separate and apart from the 12 organized crime drug enforcement task forces but will work in concert with the task forces. It is a separate operation dealing mainly with interdiction, whereas the task forces are designed to pursue the infrastructures, the organized groups behind the drug traffickers. We will coordinate our efforts.

Senator HAWKINS. In light of the turmoil that is going on right now and escalating in Latin America, are you seeing an increase in drug trafficking?

Mr. MULLEN. We are seeing an increase in cocaine trafficking. There seems to be more and more cocaine available.

We may have even seen a slight decrease in the marihuana abuse and availability. Ambassador Boyatt observed that there were several reasons for this. One is the availability of domestic marihuana in this country. We are also seeing educational programs paying off as evidenced by a reduced demand for marihuana. I would also like to think that the enhanced law enforcement efforts have been effective.

We are seeing heroin abuse stabilize to a degree. It is still available, readily available, but it does not appear to be getting a whole lot worse. That is the situation as it exists. The activity is still at a very high and unacceptable level.

Senator HAWKINS. Do you agree with Ambassador Boyatt that it is easier to stop it at the source?

Mr. MULLEN. Not entirely. That would be the best way. That would be the best thing to do, but I believe that if we are going to resolve the drug problem, we are going to have to do it here at home.

We cannot neglect such programs as crop eradication and crop substitution; they can be effective. However, I believe that the enhanced enforcement efforts now underway, as well as the educational programs which attempts to eliminate the demand, are areas we can control in this country. We should not have to depend on the changes and will of other governments to deal with this problem.

I agree in part but believe that the enforcement and educational programs in this country are the answer.

Senator HAWKINS. Thank you.

Mr. Lisker.

Mr. LISKER. Thank you, Madam Chairman.

Mr. Mullen, I know that Senator Denton feels that under your stewardship, the DEA has come a long way in terms of recognizing the value of the intelligence and the importance of analyzing and integrating the intelligence-gathering capabilities of other agencies which have that as a primary focus. I recognize DEA does not collect intelligence except with relation to narcotics, but, really, I believe, because of your FBI background with your leadership position with that agency, that you are especially expert in recognizing the importance of analyzing intelligence on a current basis and having it properly evaluated, and I know that Senator Denton read your prepared statement and was very pleased to see the strength of the statement with respect to the Cuban Government. However, the statement goes up to a point and doesn't quite cross the line. As a result of the *Guillot* case, you say that the DEA believes that Cuba is guilty of—at the very least, Cuba is guilty of allowing movements of drugs through its territory, and you believe they are cognizant of the fact that drugs are moving through the territory, and so forth.

Do you believe that Cuba, the Government of Cuba, through its agents, or, in any other way, is facilitating the movement of drugs? Do you believe that as an individual and as a head of the agency which is charged with the responsibility of gathering intelligence on that point?

Mr. MULLEN. Yes.

Mr. LISKER. Thank you.

Mr. MULLEN. I said yes.

Mr. LISKER. I heard you. Madam Chairman, I've known this man for about 20 years, and I know when he says yes, he means yes, so I appreciate his candor.

Thank you, Madam Chairman.

Senator HAWKINS. Mr. Manion?

Mr. MANION. First of all, Madam Chairman, I think that, in this morning's classifications of small, medium, and large operators, Mr. Guillot Lara would certainly qualify as a large one; 2.5 million pounds of marihuana, 25 million methaqualone tablets, and 80 pounds of cocaine over the course of 5 years, documented——

Mr. MULLEN. Correct——

Mr. MANION [continuing]. Lord knows what is left over is certainly a big-time operation.

In the light of those figures and in the light of the concern which so many people have about the drug situation here, I am distressed that Mexico was uncooperative in our attempts to have him extradited, and I wish that something could be done about that.

Are you familiar with any efforts that might lead to a change in that position of Mexico?

Mr. MULLEN. There is a new administration in Mexico. As you know, it was the prior administration that failed to extradite Guillot to the United States.

In general, Mexican law enforcement is very cooperative, that is: the police agencies, the national and state police. Mexico has one of the best programs for eradication in the world. In this extradition matter, however, we did not see the cooperation we would like to have seen.

I am not familiar with any efforts in the area of extraditions in the future. I am well aware of ongoing enforcement cooperative efforts that have been very fine and very successful. The State Department would perhaps be best able to address this area.

Mr. MANION. Looking at the map and seeing where the choke points occur on both sides of Cuba——

Mr. MULLEN. Yes——

Mr. MANION [continuing]. The Yucatan channel, which was mentioned by one of our witnesses this morning, became too hot for many traditional smugglers, and so they began to go out into the Leeward Passages and Bahamas, and so on.

Mr. MULLEN. That is correct.

Mr. MANION. I understand that there is a corridor of either 3 or 12 miles, depending on whose understanding you accept, right up the Mexican coastline, that the U.S. Coast Guard is not allowed to cross in order to interdict suspected drug traffickers.

Are you familiar with that problem and with the deliberations underway to resolve the role of the U.S. Coast Guard to police that or part of that space, or do we have to resign ourselves to there being a 12-mile-wide free zone all the way up to Brownsville?

Mr. MULLEN. I am very familiar with the problem; this issue was raised during the Attorney General's visit to Mexico. We are negotiating with Mexican authorities regarding the possibility of stationing a DEA plane or planes in this area to see if we can conduct surveillance and gather the necessary intelligence. These are very sensitive negotiations; we should be aware that, as Ambassador Boyatt said so well, these countries are very nationalistic. They are very protective of their borders and their independence. We have to be very careful how we proceed in this area; however, there is something positive underway.

Mr. MANION. I am very, very pleased to hear that and hope that those developments continue to flourish.

The success of the South Florida Task Force of which your agency has been an integral part, has, as you heard from Senator Helms, undoubtedly, already caused a movement north to the Carolina coast that concerns many people who were previously unencumbered by this threat. Many of the law enforcement agencies in other cities less accustomed to dealing with drug smugglers have difficulty dealing with the new sophistication, which, as you know, has in the past 2 years just had several quantum jumps in terms of the smugglers, the machinery, the technical sophistication, and so on available to them.

As this movement takes place, I am mindful that Los Angeles, for instance, is a new, potential center of drug traffic. There are no choke points in the Pacific——

Mr. MULLEN. That is correct.

Mr. MANION [continuing]. But there is no Cuba, either. From your point of view, how do agencies in these new cities best gear up as they are chosen as targets for new smuggling operations, and how do your agency and the other agencies involved in drug interdiction and policing help local governments to improve their drug interdiction standards?

Mr. MULLEN. With regard to involvement of State and local agencies and how we will assist them in facing this problem and how they will cope with the problem, there is the El Paso Intelligence Center [EPIC]. We now have 46 participating States; State, local, and Federal agencies receive intelligence from EPIC on the identity of traffickers, their activities, their aircraft, their vehicles, and their boats. All intelligence at EPIC is available to participating agencies.

Next week I will be meeting with the International Association of Chiefs of Police in El Paso, Tex. Eighty-two representatives have signed up to be present, including the chiefs from Los Angeles, New York, and Chicago. They will not only tour EPIC to see what is available, but will discuss the very item that you raised: how are we going to cope with this movement.

The organized crime drug enforcement task forces are part of the answer to this problem. New DEA agents are completing training programs both at the DEA Academy in Glynco, Ga., and the FBI Academy at Quantico. They are now being assigned to the field, and by late summer the task forces will be fully operational.

We are well aware of the problem. The rest of the Nation is beginning to share in Miami's difficulties. I believe that we must be as flexible as the drug traffickers. I would like to mention one further effort. We recently forwarded several proposals to the Attorney General through Judge Webster concerning possible additional DEA/U.S. Customs task force operations in areas such as Los Angeles, Houston, New Orleans, and other border areas. We are adjusting to drug trafficking changes.

Mr. MANION. Your last point brings up the point I wanted to make in my last question. You have been involved increasingly in task forces, and, in fact, there are so many acronyms—now pushing half a dozen—that I find many times in speaking with people in your agency and others that no new agency personnel pool has been created, but, rather, people have been pulled from other assignments in order to man these task forces.

A two-part question: A, the problem is on the rise; are your resources sufficient to meet that rising curve; and, B, how do you find the increasing requirement of harmonizing your efforts with those efforts of other agencies as taxing your ability to handle all these subunits of task forces and local and regional efforts?

Mr. MULLEN. Your point is well taken. There are now many committees, caucuses and working groups. When I go to a meeting in the morning, I have to stop and think which one I am going to, but I am pleased to say it all comes together very nicely. There is the Attorney General's Subcabinet Working Group on Drug Supply Reduction, and all of the interested agencies are involved: Customs, Coast Guard, FBI, DEA, and others. We meet on a monthly basis with Dr. Carlton Turner at the White House and all interested agencies are represented. We discuss problems and accomplishments to insure we are working in concert. Dr. Turner reports the results of our meetings directly to the President.

We also have Admiral Murphy involved on behalf of the Vice President. It comes together at that point. Although there are really three focal points, we are working in concert. I believe the coordination is there.

As long as you have human beings and separate investigative agencies, problems are going to occur from time to time. I know Senator Hawkins has become personally involved in one or two of those. These same problems will occur after all of us in this room are gone. However, they are manageable because of the professionalism applied in the performance of our duties.

With regard to resources, we in the FBI and DEA alone will have 700 additional agents by the end of this fiscal year. We have been given the resources.

There was a period when, I believe, there was an extensive amount of rhetoric and very little resources being put into the effort. That is no longer the case. DEA alone has already been given an additional $19.5 million to put the people where they are needed. I believe that we now have the necessary resources.

We are getting additional aircraft, vehicles, and radio equipment that we need. In addition, DEA is working in conjunction with State and local authorities and 19 Federal, State, and local task force operations. For the most part, State and local police provide the manpower, and we provide working facilities, vehicles, communications, and actually pay the overtime of the police.

In this manner, we are able to concentrate at the highest levels of organized crime; other task forces target the mid and street levels. To conclude, I believe that our efforts are coordinated, and I believe we have the resources.

Mr. MANION. Well, Madam Chairman, I want to point out, as a non-Washingtonian myself until a couple of years ago, I never had much regard for bureaucracies before, but the professionals that I have met in the various agencies and on these various task forces who are working—working so hard that, if they had overtime cards, they could retire like some of these drug kinds could—I think that they are the finest professionals I have met in the Federal Government. The expertise and ability with which they handle an almost unmanageable situation really deserves the confidence and the thanks and gratitude of the American people.

I must admit that it is such a pleasant surprise that I want to commend you and those who are working with you in this effort. I, having spent hours a day with them for the past 2 months, have seen firsthand on the middle and lower level how hard these people work, and I am very, very impressed. They could not have faked it for my benefit. It is genuine and very commendable professionalism.

Mr. **Mullen**. I will see that your remarks are passed on to the Attorney General, Judge Webster, and others in Washington who will be pleased to hear that.

Mr. **Manion**. Thank you, and thank you, Madam Chairman. No further questions.

Senator **Hawkins**. I would like to ask one last question, Mr. Mullen. We had some statements this morning in the reports from a witness, that over 3,000 Cuban agents came in the Mariel boatlift along with others. Over 400, he stated, had orders to deal in drugs. Can you comment on statements relating to that possibility?

Mr. **Mullen**. Yes, I can.

We have received this information and we are investigating it. The names that we have been given are nonspecific and difficult to track; for example, the Puerto Rican, the black, and Mario the Pepper, names like that. We will pursue the information provided; we have some work to do in that area.

On the other hand, just this month, at a border patrol station near El Paso, Tex., two Cubans who came over in the Mariel boatlift were detained in a vehicle; $148,000 was found in the vehicle, as well as cocaine residue. This vehicle was proceeding east from Los Angeles. We are virtually certain that these individuals had taken cocaine to Los Angeles and were returning to Florida with the cash.

In the past 7 months, there have been six similar incidents with over $1½ million seized. In each case there were two individuals of Cuban descent who came to the United States during the Mariel boatlift.

This tends to support, to some degree, this information. It is an area that requires much, much more investigation by DEA, as well as other law enforcement authorities.

Senator **Hawkins**. In answer to Mr. Manion's question regarding personnel, do we have the numbers there? Do we have the numbers to track, the DEA, if that is the agency that should do it—do we have the people that could track all of the Marielitos, where they were and where they are today?

Mr. **Mullen**. I believe that would be within the purview of the Immigration and Naturalization Service.

Senator **Hawkins**. They don't even have the computer yet.

Mr. **Mullen**. I know. Intelligence indicating involvement with a crime or the actual commission of a crime would have to occur before we would track or investigate that individual.

Senator **Hawkins**. But through the NNBIS, you call it, that would be probably another area since INS is part of that also.

Mr. **Mullen**. That is correct.

Senator **Hawkins**. Thank you for your example and willingness to share with us your information. I enjoy working with you. Your dedication is outstanding. I agree with all the great things that have been said about you here today, and look forward to better success stories next year.

Mr. **Mullen**. Based on my knowledge of what is occurring right now in the investigative area, the stories will be better next year.

Senator **Hawkins**. Thank you, Mr. Mullen.

Mr. **Mullen**. Thank you, Senator Hawkins.

Senator **Hawkins**. You are excused.

[The prepared statement of Mr. Mullen follows:]

PREPARED STATEMENT OF FRANCIS M. MULLEN, JR.

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TODAY. YOUR INTEREST AND CONCERN ABOUT THE THREAT WHICH DRUG TRAFFICKING AND ABUSE POSE TO OUR COUNTRY IS SHARED BY MANY AMERICANS. IT IS MOST APPROPRIATE THAT THIS HEARING IS BEING HELD IN MIAMI BECAUSE OF THE SIGNIFICANT ROLE, ALBEIT AN INVOLUNTARY ONE, THE SOUTH FLORIDA AREA PLAYS IN DRUG TRAFFICKING IN THE UNITED STATES.

THE ADMINISTRATION HAS CHOSEN TO COMBAT DRUG TRAFFICKING THROUGH THE ENHANCED COORDINATION OF CURRENT RESOURCES AND THE APPLICATION OF A VARIETY OF NEW RESOURCES AGAINST THE DRUG PROBLEM. THE CHANGE HAS BEEN NOT ONLY IN THE NUMBER OF PERSONNEL ASSIGNED, BUT IN THE TECHNICAL CAPABILITIES THAT HAVE BEEN APPLIED.

ON JANUARY 20, 1982, THE FEDERAL BUREAU OF INVESTIGATION WAS GIVEN CONCURRENT JURISDICTION WITH DEA TO MOVE AGAINST DRUG TRAFFICKING. THE EFFORTS OF OTHER AGENCIES HAVE ALSO BEEN TARGETED TOWARD THE PROBLEM THROUGH THE VICE PRESIDENT'S SOUTH FLORIDA TASK FORCE AND MORE RECENTLY THROUGH THE 12 ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES WHICH WERE FUNDED BY CONGRESS IN DECEMBER. THESE TASK FORCES ARE NOW UNDERWAY AND ARE EXPECTED TO BE FULLY OPERATIONAL BY LATE SUMMER. THROUGH THESE TASK FORCES, OVER 1,000 ADDITIONAL INVESTIGATIVE PERSONNEL FROM THE DEPARTMENTS OF JUSTICE AND TREASURY, AS WELL AS THE U.S. COAST GUARD FROM THE DEPARTMENT OF TRANSPORTATION, ARE MOUNTING AN INTENSIVE AND COORDINATED CAMPAIGN AGAINST MAJOR INTERNATIONAL ORGANIZED DRUG TRAFFICKING GROUPS.

ANOTHER SIGNIFICANT DEVELOPMENT HAS BEEN THE INVOLVEMENT OF THE MILITARY IN DRUG LAW ENFORCEMENT OPERATIONS. SINCE DECEMBER 1981 WHEN THIS AUTHORITY WAS GRANTED, WE HAVE BEEN CONTINUOUSLY REFINING POLICY AND PROCEDURES TO ENSURE THAT THE MILITARY IS

FULLY AWARE OF THE NEEDS OF CIVILIAN DRUG LAW ENFORCEMENT AND HOW THE MILITARY CAN PROVIDE ASSISTANCE. I FORESEE CONTINUED EQUIPMENT AND MANPOWER SUPPORT FOR VESSEL AND AIR OPERATIONS WORLDWIDE AND FOR MARIHUANA ERADICATION PROGRAMS IN THE UNITED STATES. CIVILIAN LAW ENFORCEMENT IS ONLY BEGINNING TO SEE THE RESULTS OF THIS NEW RESOURCE.

ON MARCH 23, THE WHITE HOUSE ANNOUNCED ANOTHER PROGRAM--THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM--WHICH WILL UTILIZE RESOURCES OF THE MILITARY AND FEDERAL LAW ENFORCEMENT AGENCIES TO INTERCEPT DRUGS DESTINED FOR THE UNITED STATES. THIS BORDER EFFORT WILL WORK IN TANDEM WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES. OPERATIONAL GUIDELINES FOR THIS NEW INITIATIVE ARE BEING FORMULATED.

EVEN WITH ADDITIONAL RESOURCES AND PROGRAMS, THE DRUG PROBLEM IN THE UNITED STATES REMAINS SERIOUS. LET ME REVIEW BRIEFLY THE CURRENT SITUATION:

- HEROIN AVAILABILITY AND ABUSE IN THE UNITED STATES CONTINUED TO INCREASE DURING 1982 WITH THE PURITY AT THE RETAIL LEVEL RISING TO 5.1 PERCENT. IN 1981, THIS FIGURE WAS 3.9 PERCENT. HEROIN-RELATED DEATHS REPORTED TO THE DRUG ABUSE WARNING NETWORK INCREASED FROM 665 IN 1979 TO 929 IN 1981, AND PRELIMINARY ESTIMATES INDICATE THEY CONTINUED TO RISE IN 1982. HEROIN-RELATED INURIES ROSE FROM 6,087 IN 1979 TO 9,367 IN 1981 AND ALSO CONTINUED TO INCREASE IN 1982.
- COCAINE WAS ALSO INCREASINGLY AVAILABLE IN THE UNITED STATES DURING 1982 AND THIS TREND IS EXPECTED TO CONTINUE. SINCE 1977, COCAINE DEATHS, INJURIES AND TREATMENT ADMISSIONS HAVE TRIPLED. SEIZURES HAVE NEARLY TRIPLED SINCE 1981 WHILE PRICES HAVE DECLINED AND RETAIL PURITY LEVELS HAVE INCREASED SIGNIFICANTLY. THE GENERAL POPULACE

OF THE UNITED STATES IS ONLY NOW BEGINNING TO RECOGNIZE THE REAL DANGERS OF THIS DRUG.

- MARIHUANA AVAILABILITY AND ABUSE CONTINUED TO BE WIDESPREAD ACROSS THE NATION DURING 1982, DESPITE A SLIGHT BUT CONTINUED DECLINE IN POPULARITY AMONG HIGH SCHOOL STUDENTS. THIS TREND IS EXPECTED TO CONTINUE DURING 1983. ALONG WITH COCAINE, MARIHUANA REMAINS A TOP ILLICIT INCOME PRODUCER FOR TRAFFICKERS.

- LICIT DRUGS DIVERTED FROM INTERNATIONAL SOURCES ARE WIDELY ABUSED IN THE UNITED STATES. ONE YEAR AGO, METHAQUALONE, A POWERFUL SEDATIVE-HYPNOTIC DRUG, WAS THIS COUNTRY'S FASTEST GROWING DRUG PROBLEM. HOWEVER, THE GROWTH OF THIS PROBLEM WAS STEMMED BY A SERIES OF DIPLOMATIC, REGULATORY, AND ENFORCEMENT INITIATIVES DIRECTED TOWARD THE KEY SOURCE AND TRANSITING COUNTRIES. THE STIMULANTS AND HALLUCINOGENS, PRODUCED IN DOMESTIC CLANDESTINE LABORATORIES, REPRESENT ABOUT 80 PERCENT OF THE DANGEROUS DRUGS FOUND IN THE ILLICIT MARKET.

FROM THIS BRIEF OVERVIEW, IT IS CLEAR THAT THE UNITED STATES IS STILL AFFECTED SOCIALLY AND ECONOMICALLY BECAUSE OF THE AVAILABILITY OF THESE DRUGS.

THE SOUTH FLORIDA AREA CONTINUES TO BE A FOCAL POINT OF THE DRUG TRADE, FUNCTIONING AS BOTH A PRINCIPAL ENTRY POINT FOR DRUGS AND AS A BASE OF OPERATIONS FOR MANY MARIHUANA AND COCAINE TRAFFICKING ORGANIZATIONS. ALTHOUGH THE FLORIDA JOINT TASK FORCE UNDER THE DIRECTION OF VICE PRESIDENT BUSH HAS IMMOBILIZED SEVERAL MAJOR SMUGGLING OPERATIONS AND ORGANIZATIONS, AND FORCED SOME GROUPS TO DIVERT OPERATIONS AWAY FROM THE AREA, MANY SOUTH FLORIDA-BASED TRAFFICKERS STILL CONTROL THE OVERALL MARIHUANA AND COCAINE SMUGGLING OPERATIONS AND DOMINATE THE WHOLESALE DISTRIBUTION SYSTEM IN THE UNITED STATES.

THE VAST MAJORITY OF ALL MARIHUANA AND COCAINE CARGOES TRANSIT THE CARIBBEAN BY AIR OR SEA EN ROUTE TO SOUTH FLORIDA OR OTHER PARTS OF THE UNITED STATES. DEA IS NOTING SEVERAL NEW TRENDS IN THE CARIBBEAN, SOME OF WHICH ARE RELATED TO ENHANCED ENFORCEMENT ACTIVITY.

THERE HAS BEEN A DRAMATIC DECREASE IN THE NUMBER OF VESSELS AND QUANTITIES OF MARIHUANA SEIZED FROM JANUARY THROUGH MARCH 1983 WHEN COMPARED TO THE SAME PERIOD DURING THE TWO PREVIOUS YEARS. THE REASONS FOR THIS REDUCTION ARE NOT YET CLEAR. IT COULD BE DUE TO SMUGGLERS TRAVELING FARTHER EAST IN THE CARIBBEAN AND NORTH INTO THE ATLANTIC, THEREBY AVOIDING THE HEAVILY-PATROLLED PASSAGES WHICH WERE FREQUENTLY USED BY SMUGGLING VESSELS IN THE PAST. MANY OF THESE VESSELS CONTINUE UP TO THE MIDDLE ATLANTIC OR NORTHEAST U.S. COASTS TO DELIVER THEIR CARGOES; OTHERS FIRST SAIL INTO THE ATLANTIC AND THEN SOUTHERLY ALONG THE COAST BACK TO FLORIDA UNDER THE ASSUMPTION THAT THEY WILL LOOK LESS SUSPICIOUS TRAVELING SOUTH WHEN APPROACHING FLORIDA FROM THE NORTH.

MANY MULTITON LOADS OF MARIHUANA ARE NOW BEING AIRLIFTED IN LARGE FOUR-ENGINE AIRCRAFT, EITHER DIRECTLY INTO THE UNITED STATES, OR VIA NORTHERN MEXICO. WE SUSPECT THAT THE YUCATAN PENINSULA IS BEING USED AS A STAGING AREA AND/OR REFUELING SITE FOR SOME OF THESE AIRCRAFT. TRAFFICKERS MAY BE USING THE AIRLIFT SMUGGLING METHOD TO AVOID ENHANCED LAW ENFORCEMENT EFFORTS AT SEA.

THE PRIMARY MOTIVATION FOR BECOMING INVOLVED IN THE DRUG TRAFFIC IS PROFIT WHICH IS BILLIONS OF DOLLARS A YEAR. A PROBLEM WHICH DRUG LAW ENFORCEMENT AUTHORITIES FACE WORLDWIDE AND ONE WHICH CONTRIBUTES TO THE TRAFFIC IS THE CORRUPTION AND/OR COMPLICITY IN THE DRUG TRAFFIC BY STATE, LOCAL, AND EVEN FEDERAL AUTHORITIES. THE SPECIFIC SUBJECT WHICH I HAVE COME TO MIAMI TO ADDRESS GOES BEYOND THE CORRUPTION OF AUTHORITIES, BUT TO THE ACTIVE PARTI-

CIPATION IN THE TRAFFIC BY HIGH-LEVEL GOVERNMENT OFFICIALS--OFFICIALS OF THE GOVERNMENT OF CUBA.

AS EARLY AS 1963, DEA'S PREDECESSOR AGENCIES RECEIVED INFORMATION ALLEGING A GOVERNMENT OF CUBA ROLE IN DRUG TRAFFICKING. MOST OF THE REPORTING WAS UNCORROBORATED AND DISCUSSED ISOLATED INCIDENTS. IN JULY 1971, IT WAS REPORTED THAT HEROIN OBTAINED DIRECTLY FROM HAVANA IN EXCHANGE FOR AUTO AND FARM PARTS AND MEDICAL SUPPLIES WAS SHIPPED TO THE UNITED STATES. IN APRIL 1978, A SHIP OWNED BY THE GOVERNMENT OF CUBA WAS SIGHTED AT ANCHOR OFF THE BAHAMAS. CARGO BOOMS WERE POSITIONED FOR OFF-LOADING, A SMALL BOAT WAS ALONGSIDE AND LARGE BURLAP BALES WERE VISIBLE ON DECK. ON THE CHARTBOARD OF A VESSEL SEIZED IN JULY 1981 WITH SEVERAL TONS OF MARIHUANA, WAS A CHART THAT TRACKED THE BOAT FROM HAVANA TO TAMPA BAY.

IN THE LATE 1970'S U.S. AND CUBAN AUTHORITIES INITIATED A COOPERATIVE PROGRAM TO INTERDICT DRUGS IN TRANSIT TO THE UNITED STATES. AS A RESULT OF THIS AGREEMENT, CUBAN STAFF OFFICALS SEIZED NUMEROUS VESSELS AND AIRCRAFT AND THE PERSONNEL ON BOARD WHO VIOLATED CUBAN TERRITORIAL WATERS OR AIRSPACE WHILE ENGAGED IN DRUG TRAFFICKING. IN LATE APRIL 1982, CUBA RENOUNCED THIS AGREEMENT IN RETALIATION FOR THE U.S. DECISION TO BAN TOURIST AND BUSINESS TRAVEL TO CUBA. THERE ARE, HOWEVER, INDICATIONS THAT CUBAN AUTHORITIES CONTINUE TO SEIZE VESSELS, AIRPLANES AND INDIVIDUALS REPORTEDLY INVOLVED IN THE DRUG TRAFFIC.

WITH THE INCREASED PURSUIT OF THE JAIME GUILLOT-LARA INVESTIGATION IN LATE 1981, SEVERAL SOURCES OF INFORMATION PROVIDED INTELLIGENCE, AND RECENTLY TESTIFIED IN COURT IN MIAMI, THAT CERTAIN OFFICIALS OF THE GOVERNMENT OF CUBA AIDED GUILLOT IN THE MOVEMENT OF DRUGS FROM COLOMBIA, THROUGH THE CARIBBEAN, INTO THE UNITED STATES. SINCE THIS INVESTIGATION PROVIDED THE FIRST WELL-DOCUMENTED EXAMPLE OF CUBA'S INVOLVEMENT IN THE DRUG TRAFFIC, I WOULD LIKE TO DISCUSS IT.

Jaime GUILLOT-Lara, a Colombian national, is a major marihuana, cocaine and methaqualone trafficker whose drug activities have been known to DEA since at least 1976. He is the documented owner of, or has interest in, many seagoing vessels capable of carrying tons of marihuana. A total of 2.5 million pounds of marihuana, 25 million methaqualone tablets and 80 pounds of cocaine were documented as having been sent to the United States by GUILLOT from 1977-1981.

GUILLOT began his association with Cuban officials in Colombia in late 1979, when another trafficker introduced him to Cuban officials assigned to the Cuban Embassy in Bogota. Those officials were:

Fernando RAVELO-Renedo, Cuban Ambassador Plenipoteniary to Colombia; and

Gonzalo BASSOLS-Suarez, Cuban Minister-Counselor to Colombia.

The Cubans and GUILLOT discussed the possibility of utilizing Cuba as a stopover for drug cargoes at this time. When GUILLOT again met with the Cubans in July 1980, serious consideration was given to the proposal and the Cuban officials agreed to use their influence within the Cuban Government to facilitate smuggling marihuana and methaqualone tablets from Colombia, through Cuba, to the United States via the GUILLOT smuggling network. During this time, Rene RODRIGUEZ-Cruz, member of the Central Committee of the Communist Party of Cuba, and President of the Cuban Institute of Friendship to the People (ICAP), also became actively involved in this venture. RODRIGUEZ and RAVELO designated BASSOLS to serve as the intermediary between the Cuban Government and the GUILLOT organization. GUILLOT agreed to pay the Cubans for the drug smuggling assistance and the Cubans agreed to pay GUILLOT for shipping weapons to the M-19 movement in Colombia.

During 1980 GUILLOT began to receive official Cuban protection for the movement of his drug-laden vessels to the United States. The Cubans reportedly charged GUILLOT $10 per pound of marihuana transported through Cuba. Depending on the size of the shipment, GUILLOT was paying the Cubans hundreds of thousands of dollars for one load of marihuana.

Vice Admiral of the Cuban Navy, Aldo SANTAMARIA-Cuadrado also became involved with assisting GUILLOT when he met with Miami traffickers at Paredon Grande, Cuba. Rene RODRIGUEZ-Cruz was also present at these meetings and ordered SANTAMARIA to have Cuban gunboats in Paredon Grande to act as protection during the narcotics transaction. These same Miami traffickers later transported methaqualone tablets through Cuban waters.

During the first half of 1981, GUILLOT continued to send tons of marihuana and millions of methaqualone tablets from Colombia, through Cuba, to the United States.

The Cuban association with GUILLOT provided Cuba with a dual benefit. DEA learned that Cuba's facilitation of GUILLOT's smuggling ventures provided hard currency which Cuba used to support revolutionary activities in Latin America. Cuba was also able to utilize the smuggling expertise and capabilities of GUILLOT by having him transport and deliver arms which were ultimately destined for the Colombian terrorist group, M-19, led by GUILLOT's close friend, Jaime BATEMAN.

On November 15, 1981, the Colombian Navy sank the M/V KARINA, controlled by GUILLOT, off the west coast of Colombia. An estimated 100 tons of weapons were aboard the KARINA when she sank. On November 25, 1981, the MONARCA, also controlled by GUILLOT, was seized by Colombian authorities after the vessel had delivered ashore a large quantity of weapons destined for the M-19. The weapons had been transferred at sea from the KARINA.

On November 25, 1981, GUILLOT was arrested in Mexico City on false documentation charges. Although both the Government of Colombia and the United States attempted to extradite GUILLOT from Mexico, neither was successful. On September 30, 1982, GUILLOT was released and he fled to Europe. We believe that GUILLOT may have made his way back to Colombia.

On November 5, 1982, a Federal Grand Jury sitting in Miami returned indictments against fourteen persons, including the four Cuban officials mentioned earlier, charging various offenses relating to the importation of methaqualone tablets and marihuana into the United States from Colombia via Cuba.

The trial which took place in February 1983, found five defendants guilty, and two not guilty; one defendant plead guilty and testified for the Government. Sentences given to four of the defendants ranged from seven to eight years. The defendant who provided testimony received five years probation; sentencing on the sixth individual has been continued. The four Cuban officials, GUILLOT and one other defendant were not tried in abscentia and remain fugitives.

The GUILLOT case is the first well-documented example of Cuban involvement in drug trafficking. Although the Government of Cuba has denounced the indictments, DEA believes that, at the very least, Cuba is guilty of allowing the movement of drugs through its territory.

Since the involvement of Cuba in drug trafficking was widely publicized, we have received additional intelligence which may indicate continuing Cuban complicity in the drug traffic. When we examine the total amount of intelligence and evidence that is available from the 1970's, the GUILLOT investigation and its follow-up and new intelligence now being developed, it is difficult

NOT TO BELIEVE THAT THE GOVERNMENT OF CUBA REMAINS COGNIZANT OF THE MOVEMENT OF DRUGS THROUGH ITS TERRITORY, AND MAY BE FACILITATING THIS MOVEMENT.

CONSIDERING THE VOLUME OF DRUG TRAFFICKING IN THE CARIBBEAN, THE PROXIMITY OF CUBA TO THE UNITED STATES, AND THE BENEFITS TO BE DERIVED BY CUBA FROM EVEN MINIMAL PARTICIPATION IN THE DRUG TRADE, IT IS IMPORTANT THAT WE CONTINUE TO BE AWARE OF THIS LIKELIHOOD AND THAT STATE, LOCAL AND FEDERAL AGENCIES CONTINUE TO SHARE, ANALYZE, AND PURSUE INTELLIGENCE ON THIS SUBJECT.

THE GUILLOT INVESTIGATION EXEMPLIFIES THE INVOLVEMENT OF CUBA IN DRUG TRAFFICKING, THE CONNECTION BETWEEN DRUGS AND ARMS TRAFFICKING, AND THE EXPANDING RELATIONSHIP BETWEEN TERRORIST ACTIVITIES AND DRUG TRAFFICKING. DEA HAS RECEIVED INTELLIGENCE THAT INDICATES TERRORIST GROUPS WORLDWIDE ARE BECOMING EITHER INDIRECTLY OR DIRECTLY INVOLVED IN DRUG TRAFFICKING. THESE REPORTS REFLECT SOMEWHAT OF A CHANGE FROM THE LATE 1970'S WHEN IDEOLOGY PRECLUDED TERRORISTS FROM ASSOCIATION OR PARTICIPATION IN SUCH ACTIVITY. I MUST STRESS THAT WE ARE NOT SUGGESTING AN IDEOLOGICAL COALITION OR CONSPIRACY BETWEEN DRUG TRAFFICKERS AND TERRORISTS. WHAT WE ARE SEEING IN MOST CASES IS MORE OF AN ACCOMMODATION OR COOPERATIVE EFFORT FOR THE MUTUAL BENEFIT OF BOTH PARTIES. EACH WILL TAKE ADVANTAGE OF EXPERIENCE, EQUIPMENT, CONTACTS, AND SPHERES OF INFLUENCE OF THE OTHER IN ORDER TO PURSUE THEIR OWN ENDS.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE. IF YOU HAVE ANY QUESTIONS, I WOULD BE GLAD TO ADDRESS THEM.

Senator HAWKINS. We will next hear from James Michel, the Deputy Assistant Secretary of State for Inter-American Affairs. He will be our last witness.

Mr. Michel, we welcome you here and appreciate your forebearance in saving you for our last star witness today.

STATEMENT OF JAMES MICHEL, DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. MICHEL. Thank you.

Madam Chairman, it has been a fascinating day for me, attending this hearing and listening to the testimony that has been given. Before I begin my statement, I would like to add my note of appreciation to you and the other members of the subcommittees and your capable staffs for providing this public forum at which a very serious problem that needs public exposure can be put on the public record.

I am very pleased to appear before you to testify on Cuba's involvement in the narcotics traffic. This is a subject of importance to the administration. It is a subject we have been following closely because there is a clear and evident danger to the United States.

In his statement of February 12 last year, Assistant Secretary Enders described to you the first detailed and reliable information we had linking Cuba to trafficking in narcotics as well as in arms. Much of that information was based on the activities of the Colombian drug trafficker, Jaime Guillot Lara, who was then in custody in Mexico and to whom many of the witnesses have referred today.

Since that time, four high Cuban officials have been indicted by a Federal grand jury here, in Florida, and the United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean for at least the past 2 years. They have, apparently, done so by developing a relationship with key Colombian drug runners who, on Cuba's behalf, purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia.

In return, the traffickers received safe passage of ships carrying cocaine, marihuana, and methaqualones through Cuban waters to the United States. We are now able to provide some further details on the Cuban-Colombian traffickers and M–19 nexus and can provide, at an appropriate time, more sensitive information in closed briefings.

Madam Chairman, we have been able to pull together and declassify a variety of information which had not heretofore been available for the public record. We are trying to put that into a memorandum, and I would like to ask your permission to supplement the record following this hearing so that we can put, as cogently as we can, the details of the Guillot Lara facts into the public record of this hearing.

Senator HAWKINS. Surely. We would appreciate that.

[The memorandum entitled "Additional Submission on Colombian Drug Traffickers and the Cuban Connection" appears in the appendix as exhibit 6, beginning on p. 683.]

Mr. MICHEL. Thank you.

We now have information that Guillot started his narcotics trafficking under official Cuban protection during the summer of 1980. His understanding with the Cuban authorities assured him safe passage through Cuban waters, in return for payoffs, at the Cuban Coast Guard station on the Cuban north coast across from Andros Island in the Bahamas. In addition to the provision of safe passage, Cuban officials maintained close coordination with Guillot. His contacts included the Ambassador of Cuba in Bogotá, Colombia, Fernando Ravelo Renedo, and the Minister-Counselor, Gonzalo Bassols Suarez. Both of these men were members of the American Department of Cuba's Communist Party Central Committee. He also dealt with American Department officials in the Cuban Embassy in Mexico.

He was urged by Bassols to work with M-19, the Colombian terrorist organization. In November 1981, Bassols reportedly made a loan to Guillot for $10,000 with which to purchase 500 kilograms of cocaine on behalf of the M-19 and arrange its shipment to the United States.

We also know that Guillot, fearing arrest by the Mexican authorities, at one point considered taking refuge in the Cuban Embassy in Mexico to avoid arrest and was told by a Cuban contact there that "Fidel" had instructed the Cuban Embassy to protect him.

Another dimension of this is that Guillot received a Nicaraguan visa from the Nicaraguan Ambassador to Mexico who apparently acted on a request from the M-19 leader. We know from separate sources that in early 1982 the Nicaraguan Government was negotiating the sale of a DC-6 aircraft to a known Colombian drug runner. Whether or not this indicates a Nicaraguan role in drug trafficking is not clear from the information presently available, but it is disturbing, and we will be examining this closely, the Cuban/Nicaraguan relationship now being very well known.

We have a report that the Communist Party presidium, and specifically, Fidel Castro, in early 1959 considered a scheme to begin dealings with narcotics smugglers using Cuba as a bridge and support base for networks to the United States as a means to aid Cuba economically and contribute to the deterioration of American society.

During an interview with Colombian journalists in October 1982, Fidel Castro described Guillot as "a good friend of Cuba." Castro's later statement to a Colombian news agency in January of this year that Cuba detains Americans involved in narcotics trafficking is true, but this is not necessarily inconsistent with a Cuban use of the drug weapon when it sees fit. We cannot expect the Cuban Government to acknowledge its involvement in drug trafficking in the United States, but the evidence clearly indicates more than a case of corruption by local or midlevel security officials.

The association of Guillot with the Cuban embassies in Mexico and in Bogota and with officers of the American Department of the Cuban Communist Party gives strong indication of official policy approval. Thus, narcotics smuggling, apparently, has been sanctioned by Cuba as a means to finance and to facilitate subversion in Latin America. The administration is determined to discover the extent of Cuban involvement in narcotics.

Let me assure you, Madam Chairman, that we attach a particularly high priority to any evidence of Cuba's use of narcotics as a weapon against this country. I thank you again for inviting me to appear before you, and I will be pleased to attempt to answer your questions.

Senator **Hawkins**. Thank you, very much.

Could you tell us if there is an effort underway, or are you the appropriate witness to ask, to determine the whereabouts of Jaime Guillot?

Mr. **Michel**. Well, that is officially a law enforcement question, and there are, obviously, a number of law enforcement agencies interested in that. We heard one opinion expressed by Mr. Mullen, and he referred to other law enforcement agencies as having other views, so I am sure that the matter is receiving appropriate consideration by the proper law enforcement agencies. I am not familiar with the details.

Senator **Hawkins**. He seems to slip easily from country to country.

Mr. **Michel**. He does, indeed.

I think that everyone who has spoken today has, in one way or another, touched on the corrosive and corrupting influence of drugs and the drug traffic, with the enormous amounts of money involved and, essentially, immoral purpose. This escapade of Mr. Guillot in moving from country to country, I don't know how he does it, I don't know the facts of it, but it suggests that this corrosive characteristic of the drug traffic may be at work in his success in avoiding being brought to trial.

Senator **Hawkins**. We received testimony today confirming Castro's facilitating the illegal entry of Haitians to the United States. Do you know of any preventive action to stop them from doing that?

Mr. **Michel**. I am not familiar with that. I heard the allegation this morning, but I am not familiar with that subject.

Senator **Hawkins**. The Vice President's task force has had good success in Florida with the numerous Federal agencies that were able to coordinate their efforts to work together.

How has the Department of State shared its information regarding the role of Cuba with, say, the DEA, FBI, and Customs, those three agencies?

Mr. **Michel**. We have an ongoing and continuous relationship. We have, as you know, a Bureau of International Narcotics Matters, and we have, within the Bureau of Inter-American Affairs, the Office of Cuban Affairs, who talk to the law enforcement agencies on a continuous basis and, of course, our Bureau of Intelligence and Research is a member of the intelligence community within the executive branch. Indeed, the memorandum I referred to earlier that we would like to submit for the record is one that the Office of Cuban Affairs has put together with the cooperation of all of these agencies.

That is just one example of the State Department getting the benefit from the law enforcement agencies, but I can assure you that it works both ways and the communication is good.

Senator **Hawkins**. U.S. foreign policy, I believe, must serve as a preventive tool for stopping drugs at their source. It seems to be the most successful we have experienced.

Can you tell me what steps the Department of State has taken to stop drugs at the source?

Mr. **Michel**. There is a range of programs, and they will have to vary from country to country depending on the circumstances. In some countries, the emphasis is on interdiction; in other cases, the emphasis is on crop substitution; in other cases on crop eradication, and often a combination of all of those.

More broadly, in Latin America, if I may speak in that context with which I am more familiar, not just in Central America, but in Latin America generally, we have advocated and tried to assist the nations there in achieving the goals that the President referred to in his address Wednesday evening—democracy, reform, respect for human rights, and economic development and security.

These are goals that, if pursued vigorously by the nations of the area, and if we can help, can balance and overcome, I believe, the challenges that they face from the terrorists, the narcotics smugglers and the Marxist/Leninist revolutionaries aided by Cuba through all the ways we have heard about this morning. I believe, if I may digress from the immediate subject, that these policy objectives that the President outlined on Wednesday evening are objectives about which there should not be great controversy and debate; there should be broad support for the objectives of democracy reform, respect for human rights, economic development and security in our neighboring countries.

Senator HAWKINS. I agree with you. It seems, basically, very simple. However, there is a lot of debate as you well know.

Evidence indicates that the Cuban Intelligence Service, the DGI, has replaced the Soviet Intelligence Agency, the KGB, in the United States as the principal source of intelligence for the Soviet Union. A DGI agent can much more easily be assimilated into American society than a Soviet agent.

What is the relationship of the DGI to the KGB?

Mr. MICHEL. That is one that I cannot answer in any detail, Senator, but going back to basics, Cuba is a Soviet surrogate. It is dependent upon the Soviet Union. The revolutionary dreams, as you know, have not borne much fruit in Cuba. The economy has not prospered, and Cuba is heavily dependent upon the Soviet Union to the tune of billions of dollars a year to avoid slipping further economically. The influence that the Soviet Union has over Cuba is enormous, and we see Cuba acting as a Soviet proxy in so many areas of the world and in so many fields of endeavor. I would be surprised if intelligence gathering were not one of those.

Senator HAWKINS. Mr. Lisker.

Mr. LISKER. Thank you, Madam Chairman.

Mr. Michel, your statement, I think, presents a very clear description of the high-level Cuban participation, not only in drug trafficking, but also in the movement of small arms and ammunition in the region, and, frankly, I read the attachment which you had initially provided, which I understand will be——

Mr. MICHEL. We think that can be improved——

Mr. LISKER [continuing]. Streamlined a little bit, and will be provided subsequently.

Moreover, the close relationship of the Cuban Government participants and the drug smugglers is reinforced by Fidel Castro's reported endorsement of one of the major smugglers——

Mr. MICHEL. Yes.

Mr. LISKER. In your opinion, is the Cuban Government facilitating the importation of drugs into the United States?

Mr. MICHEL. Well, Mr. Lisker, I think it is clear from the evidence, if I may get back to the earlier exchange about evidence, the evidence is there that the Government of Cuba has, as a matter of policy, used narcotics trafficking as an instrument for advancing its own interests in corrupting democracies within the hemisphere and advancing arms flow to revolutionary groups.

The extent of that activity is something that I don't have a clear opinion on right now. It is a matter that is being looked at, and I hope that without much more delay, we will have a clearer picture of those facts.

I do think that publicizing what we do know and making a public record is very important in countering denials by the Government of Cuba that it has made that policy decision.

Mr. LISKER. The cat is out of the bag, so to speak. We are not going to be able to put the cat back in—walk the cat back, as they say. Cuba will not be exonerated from any role in international drug trafficking no matter what information may be developed subsequently.

Mr. MICHEL. I cannot see how, based on the record that we have seen.

Mr. LISKER. Does the role of Cuba in this nefarious trade exist only to provide a quid pro quo for arms smuggling or is there a separate Cuban objective?

Mr. MICHEL. Well, I can't speculate about Cuban motivations. There are several that could come to mind. Cuba is not a friend of the United States. It is not a friend of democracy throughout the hemisphere, and one can think of a number of motivations, none of them very benign.

Mr. LISKER. What sanctions do you deem appropriate should the U.S. Government decide to employ sanctions against Cuba—additional sanctions against Cuba in order to encourage the Government of Cuba to refrain from this activity?

Mr. MICHEL. Sanctions against Cuba is a matter that is under continuous study in terms of how they should be administered in light of a whole range of uncooperative and hostile Cuban behavior.

As I said, I do not yet have a clear picture, myself, and I don't think one exists within the U.S. Government, on the extent and exact nature of Cuban involvement in the movement of drugs, although the existence of such involvement seems clear, and so I don't think I can answer, hypothetically, what range of sanctions would be appropriate. You have to make those decisions in a factual context, and I can only say it is a matter that is kept under review.

Mr. LISKER. Is it a matter—When you say "kept under review," does that mean it is discussed on a current basis with the objective being to actually employ some sanctions?

Mr. MICHEL. There are some sanctions now being employed.

Mr. LISKER. I should say, additional sanctions.

Mr. MICHEL. I can say that the matter of the adequacy of those sanctions has been examined in recent times and is a continuing process.

Mr. LISKER. Do you see any change in direction with respect to our relations—the U.S. relations with Cuba as a result of what you have heard here today or other information which you may be privy to regarding their role in drug trafficking and the importation of Haitians?

Mr. Michel. Well, obviously, this suggests no improvement in the relationship. The possibility of improvement, if I could digress for a moment on that, is something we are asked about a great deal. Why don't we do something to try to improve relations with Cuba, and I think that is really a question that should be asked of Cuba. For us to accommodate to the things that Cuba is doing is just out of the question.

It is really for Cuba to make some accommodation to living with decent respect for its neighbors. That would be the condition for improving relations.

The effect of this additional factor in what are already not very good relations is one, again, that I don't think I can quantify.

Mr. Lisker. Are you familiar with Judge Webster's statement on "Face the Nation" last Sunday?

Mr. Michael. I understand that Judge Webster expressed some caution about reaching a broad conclusion as to Cuban involvement in drug trafficking, and the question was, as I understand it, whether this was an encouragement of flow of drugs to this country. I think, on that characterization, he was unable to give a positive response. I have not spoken to Judge Webster, but I think he did indicate that drug traffickers had been given "safe harbor in Cuba."

Mr. Lisker. Well, he actually made two responses, one, the one you've just indicated and then, the second response, which I suppose is his interpretation of the meaning of the question, related to whether or not the purpose of the facilitation was to erode the national resolve, and he was much more cautious in that regard. However, I think it is fair to say, looking at his statement, that he was even very cautious given the evidence developed by Mr. Marcus and Mr. Gregorie, the grand jury here and the convictions which were obtained in this district in the Jaime Guillot related cases and also given the additional intelligence information which, apparently, the Drug Enforcement Administration has.

Mr. Michel. I don't think that the standard should be "beyond a reasonable doubt" before expressing a view, and I agree with Ambassador Boyatt in this regard.

The other side of that, though, is something that has become known as credibility gap. Government officials do not get the benefit of the doubt, and I think it behooves us to be very careful when we say something that is going to be an authoritative statement. An opinion by the Director of the FBI must be absolutely a believable, credible, solid statement, and he said, as I understand it, that drug traffickers had been given a safe harbor in Cuba. That was a significant statement.

He could not characterize the motives of Cuba, and I feel some sympathy with that because I am unable to characterize the motives of Cuba myself.

Mr. Lisker. I think what he said was that there has been a lot of talk about this and some writings in the press, based largely on one or two specific sources of information. We heard from three today. I have interviewed five altogether, none of whom, to my knowledge, have been interviewed by the FBI.

I wonder if Judge Webster had all the facts before him when he made this response.

Mr. Michel. I can't tell you. I just don't know the answer to that.

Mr. Lisker. I appreciate your response. Thank you, Senator Hawkins.

Senator HAWKINS. Mr. Manion?

Mr. MANION. Mr. Michel, thank you very much for coming down here to be with us today.

A question occurs to me that flows from Mr. Lisker's line of questioning. You are introduced to us, really, as a man who really knows the State Department inside and out as well as Washington and now Latin America is your bailiwick——

Mr. MICHEL. I am now seeing parts of Washington I never knew existed.

Mr. MANION. I am trying to keep on the straight and narrow here, Madam Chairman, but I think the question must be asked: just how long must this constant review go on before action is taken? I am mindful of Mr. Casey's statement last March 8, the same week as those hearings were held, Joel, by Senator Denton's subcommittee, that the Kennedy/Khrushchev accords had been broken, essentially the day they were written or since the ink was dry or something like that.

For 20 years, I suppose, this review has been going on in the State Department. How does one come to the decision that the review has to stop and action has to be taken?

Mr. MICHEL. I am not——

Mr. MANION. When do the sins, if you will, or the breaches of comity, international law, a standing set of accords or whatever, merit a response? What flagrancy must they achieve before they elicit action?

Mr. MICHEL. I don't think, Mr. Manion, that our policy is that supine. I think that we have done a number of things in the way of cooperation with countries in Latin America in seeking to control and diminish the drug trade.

We have imposed sanctions on Cuba. We have undertaken a number of measures to try to deal with the problems that we see.

Now, there is also a review process that goes on as the situation evolves. One of the things, if I may just interject a personal note here, that I am finding in the day-to-day conduct of diplomacy, one of the things that is different than dealing with legal problems, as I did in my former capacity, is that you are not so often looking at a set of facts that led to a case and then you are analyzing those facts, but, rather, the facts are changing all the time, so there has to be a constant review to deal with an evolving situation.

There also has to be ongoing action to deal with the situation. I don't think the two are inconsistent: you have an ongoing review and ongoing action. The question is, what should the action be, and on that, there is always room for debate and difference.

Mr. MANION. Sure. And, interestingly enough, during that same week—it was an active week—public reports have it that the Secretary of State—the then Secretary of State—was in Mexico twice discussing with high Cuban officials certain aspects of the relationship of our two countries.

Without referring, necessarily, to the veracity of the reports that appeared in public, to your knowledge, has this problem been brought to the attention of Cuba by our Secretary of State in those conversations or by our mission in Cuba or other vehicles which would reflect what you call the particularly high priority that you attach to this problem?

Mr. MICHEL. We have made statements—I cannot speak about the dialog with Cuba because I am really not familiar with what may have gone on in the past or not, but we have made statements beginning last spring, and I think that the hearing today adds to the record that makes it abundantly clear to Cuba that we know something is going on and we don't like it.

Mr. MANION. You heard my remarks to Ambassador Boyatt about Mexico. Do you have anything to add to what he said?

Mr. MICHEL. With regard to extradition and law enforcement cooperation? I have the impression, as Mr. Mullen said, that there is good law enforcement cooperation. The problem with extradition is not a drug-related problem, to my knowledge. I think we have a general problem in the particular area of extradition with Mexico, and we've not had a successful extradition from Mexico for a long time. That is something that I want to find out a little bit more about.

Mr. MANION. Madam Chairman, I am glad that all this is on the record, and I am glad that your statement, Mr. Michel, was approved by so many people listed here on the last page. All those clearances show a certain breadth of support of your remarks here today and as you point out, the credibility gap is often eased significantly when someone doesn't immediately go out and point the thumb at someone else and say, hey, I really didn't mean that.

I think everyone here seems to really mean what they are saying today. I know Senator Helms means it when he says this issue deserves all the effort we can muster however expensive in order to defeat it; and Senator Zorinsky, the ranking minority member of the subcommittee, has echoed that statement very clearly in our Elizabeth City hearings 2 weeks ago; we look forward to working with you and your staff to see to it that every available effort is undertaken.

Mr. MICHEL. Thank you.

Mr. MANION. Thank you, Madam Chairman.

Thank you, sir.

Senator HAWKINS. Thank you. Thank you, again, Mr. Michel for coming down from Washington. I understand your plane leaves shortly. I hope you make it.

Mr. MICHEL. Thank you.

Senator HAWKINS. I would conclude these hearings by saying that the record be printed and that it be distributed to all members of the departments of Government. At this point, I would like to order that the record be printed and that it be distributed to all members of the Senate and those agencies that are involved. If there are any requests by members for additional questions, we will submit them by writing. Questions shall be answered in writing, which is the usual order of the Senate, but we would like the record to be clear on that, and, hopefully, this is the first of many interesting hearings that the Senate Drug Enforcement Caucus will have in cooperation with the other committees of the Senate.

On behalf of Senator Denton and Senator Helms, I adjourn this joint hearing of the Subcommittee on Security and Terrorism, the Subcommittee on Western Hemisphere Affairs, and the Senate Drug Enforcement Caucus.

[Whereupon, at 4:20 p.m., the joint hearing was adjourned.]

APPENDIX

EXHIBIT 1

EXCERPTS FROM HEARINGS BEFORE THE SUBCOMMITTEE ON SECURITY AND TERRORISM OF THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, 97TH CONGRESS, 2D SESSION, ON "THE ROLE OF CUBA IN INTERNATIONAL TERRORISM AND SUBVERSION," FEBRUARY 26, MARCH 4, 11, AND 12, 1982

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STATEMENT OF SERGIO PINON AND DANIEL BENITEZ, SPECIAL AGENTS, FLORIDA DEPARTMENT OF LAW ENFORCEMENT

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Mr. PINON . . .

Let us now turn our attention to another problem which is well known in south Florida as well as in the rest of the United States. This problem is drug trafficking. For several years law enforcement agents in south Florida have received information of Castro ties to the illegal drug traffic in the United States.

The people who can provide the information are trade criminals, many with standing convictions; their credibility and motive can be questioned. Second, the other problem is the protection of potential court material. It is a commonly known fact that within the underworld, the Government and law enforcement can only pose as obstacles to criminal activity. The code of the underworld is much more strict and more effective; it provides no appeal and is just as far reaching as our Government. These problems present great obstacles to those who seek to provide an incentive to persons in the know who could assist law enforcement by their cooperation. In very simple words, they fear the Government but they are more fearful of other criminal elements and, as a result, witnesses stay quiet.

The effort to overcome these obstacles has taken several years to bear fruit, but at this time, sources known to the Department of Law Enforcement have provided information which links some of the drug traffickers to Cuba. For example, intelligence information indicated that Cuba has guaranteed the Colombian drug shipments to persons who the Castro government will from time to time designate. Not having to pay for the drug shipment and being able to sell it on consignment enables well-chosen drug dealers to become rich, powerful, and influential quickly at small risk and without a large capital investment. The immediate advantage of this activity gives the new drug smuggler a great potential for fighting over this preferred treatment. At any time, one new group could be told to wipe out an existing group for any reason, and then take its place. We have not seen the beginning of drug wars should this happen.

Sources also state that Castro provides safe haven and harbor to those mother ships loaded with drugs traveling through Cuban waters. Allegations are also that he charges a toll for the use of Cuban waters, Cuban patrol escorts, and the unlawful use of Cuban flags to prevent boarding and seizure by U.S. authorities.

We have sources that not only have reported this information but also claimed to have been involved in their planning and execution.

The problem is that these witnesses and sources are very fearful for their lives and the lives of their families due to the widespread corruption as well as the violence that drug smuggling organizations are known to take.

Before progress is made, law enforcement must regain the confidence of the public. We will provide a copy of a transcribed tape obtained by Special Agent

Benitez and me from a source who was involved in some smuggling operations and its connections in Cuba. Other sources have stated that Cuba is currently harvesting marihuana to provide some competition to Colombia and Jamaica. This information is not verified but if it is true, it would point to a larger involvement by the Cuban Government than previously thought. Although no more concrete proof can be presented at this time as to Cuban ties to narcotic traffic in the United States, we are hopeful that what we have presented will be used as the basis to provide resources and manpower in order to properly investigate this alleged activity of the Cuban Government. By so doing, the solutions to this problem can be implemented.

* * * * * * *

Senator DENTON. Reportedly, the Department of State has evidence that links the Cuban Government to drug smuggling activities in the United States. They cite the case of Jaime Guillot Lara, a Colombian now in jail in Mexico, who claims to have funneled arms and money to a Colombian leftist group in return for Cuban aid in smuggling marihuana shipments to the United States.

Have you, in the course of your investigations, come across evidence or information indicating that Cuba is actively involved in any way in drug smuggling into the United States? If so, would you please describe that evidence or information?

Mr. PINON. Yes, Mr. Chairman. We have one source whom we arrested on narcotics charges. This source was involved, also, in the Mariel boatlift with subjects that we arrested. He has made several trips to Cuba. This same subject provided information advising us that narcotics trafficking was coming via Cuba from Colombia.

Specifically explained, when the boats left Colombia, they left with the Cuban flag in order to let the Cuban Government know that they were coming in friendly. The Cuban Government boats would come to the mother ships to escort them into the Cuban key, which is called Cayo Paredon Grande; that is the name of the key. The mother ship will be escorted there and it is met by Cuban officers, who will then view the exchange when boats coming from the United States would come to Cayo Paredon Grande to transfer the narcotics from the mother ship into the smaller vessels.

Those boats are escorted to a limit close to the United States, possibly around the 10-mile limit, where they will take the Cuban flag and throw it into the water. The Cuban Government has advised these drug smugglers that as long as they fly the Cuban flag, the U.S. Coast Guard will not interfere so as not to cause an international incident.

Senator DENTON. Let me see if I have this straight. A ship comes from Colombia loaded with marihuana and passes around to the north side of Cuba. Is not Cayo Paredon Grande on the north side?

Mr. PINON. Yes, sir. There is an area between the Bahamas—about a 12- to 17-mile area between the Bahamas and Cuba, and that is where that key is located.

Senator DENTON. As a signal, that ship, which is Colombian, hoists the Cuban flag to indicate that it is friendly, and is escorted into the rather protected waters of the key, Cayo Paredon Grande. Other smaller craft come alongside; the marihuana is transferred to them.

Is there something that goes from the smaller craft to the Cuban Government? These smaller craft are coming from the United States. Are they giving up anything?

Mr. PINON. Yes, sir. At times, the smugglers will provide the Cuban officials with goods coming from the United States, such as televisions, Betamax machines. Anything that they will request from them, they will bring them to the government officials in Cuba.

We do not know if that is part of the payment or if that is just a compliment to continue their operations.

Senator DENTON. Are there ever any weapons, small arms, included in that?

Mr. PINON. According to our sources, as soon as they get near the Cuban waters, when the two Cuban boats come to escort them in, they have to surrender their weapons. When they leave Cuba and they get escorted away up to the proximity of the United States, which is approximately a 10-mile limit, or probably a little further away, they will give the weapons back and they will come to the United States.

Senator **Denton**. So, there are no shipments of small arms included in that, per see—no shipment of small arms?

Mr. **Benitez**. Mr. Chairman, if I may answer that, according to the knowledge of this particular individual, we do not know of other shipments.

I would also like to see if you would accept for introduction a translation and transcription of a taped interview which I took of this person on June 30, 1981. I have a rough copy, but I will provide the actual translation and transcription for inclusion in your record, in which some of these questions are asked and a reply is given.

Senator **Denton**. Thank you. We will accept that and insert it in the record.[2]

Do these ships leave Colombia with the Cuban flag, or do they only hoist that Cuban flag as they get near Cuba?

Mr. **Pinon**. That is correct. When they get near Cuba, they put up the Cuban flag.

Senator **Denton**. Who unloads these ships? Who oversees the unloading? Are there any Cuban officers present?

Mr. **Benitez**. It is alleged that there are Cuban patrol boats present all the time, but they do not get involved in the offloading; they merely watch it. It is also alleged that they charge money for the actual amount transferred. They weigh it, or they supervise its being weighed, and then they charge accordingly.

Senator **Denton**. In other words, the Cuban Government allegedly is receiving money for overseeing and permitting that operation?

Mr. **Benitez**. That is correct; providing safe harbor and, at the same time, charging a toll.

Senator **Denton**. Do you have any idea what kind of money is involved, how much?

Mr. **Benitez**. Yes, sir. There is a figure that was quoted to us; I would have to take a minute to look for it. Excuse me. [Pause.]

I have found it. The figure of $50,000 for any vessel which is larger than 10 tons—excuse me, no larger than 10 tons—is what I have on my notes.

Senator **Denton**. Fifty thousand dollars for a 10-ton vessel, more or less?

Mr. **Benitez**. More or less.

Senator **Denton**. Ten tons is pretty small. Are you talking about the mother ship which is bringing the marihuana or the smaller vessels which are coming from the United States?

Mr. **Benitez**. It is not exactly clear, but I believe that the smaller vessels are the ones that pay as they are loaded. By "smaller vessels," we mean yacht-size vessels, as opposed to mother ships.

Senator **Denton**. That could be a pretty good sum on just one operation. Could it not?

Mr. **Benitez**. Yes, sir, Mr. Chairman.

Senator **Denton**. In connection with these offloadings and loadings, have you heard the names of the following Cuban officers: Colonels Angel and Gustavo?

Mr. **Pinon**. Yes, sir, Angel and Gustavo.

Senator **Denton**. What do you know about them?

Mr. **Benitez**. They are alleged to be agents in Cuba of the Ministry of State, and these are the code words that the vessels radio to obtain a Coast Guard patrol boat escort when they get near Cuban waters.

Senator **Denton**. What role did the source who gave this information play in the operation?

Mr. **Benitez**. He has been directly involved in at least two offload operations and the planning of several others.

Mr. **Pinon**. He was the boat captain.

Mr. **Benitez**. He was the boat captain, and he has been involved in other smuggling operations.

Mr. **Pinon**. Mr. Chairman, if I may, also, this same source was also involved with Mr. Romeo, so he had established a relationship with these two colonels. Now, he only knew them by first name; he did not know them by last name. But he had met with them on several occasions.

Senator **Denton**. Mr. Peraza indicated that one of the aims of the DGI was to attack institutions in the United States; "all institutions," I believe were his words. Did this informant overhear any Cuban official indicate that the

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[2] Translation and transcription of a taped interview mentioned by Mr. Benitez is on file with the subcommittee.

Cuban Government was trying to sponsor, not only for profit but for other means, the introduction of drugs into the United States?

Mr. BENITEZ. I believe he made a comment about it, but it is not a part of the tape transcript that I brought and I would rather not go into it at this point.

* * * * * * *

TRANSLATION OF THE INTERVIEW WITH HECTOR GONZALEZ-QUINONES, A.K.A. FRANK BONILLA

TRANSCRIBED BY SA BENITEZ, JUNE 30, 1981

Today's date is June the 25th 1981.

Present are special agent Benitez and Special Agent Pinon, Florida Department of Law Enforcement.

We are going to take a taped interview of a person who has knowledge of the drug trade between South Florida and Cuba and how it is done.

The interview will be conducted in Spanish.

The person to be interviewed has had personal knowledge because of his involvement in the narcotics traffic.

BENITEZ. Look. I would like you to tell me in your own words so that it can be taped recorded. What is it that you know of the connection between Cuba and the United States which now exists. How the Cuban flags are used and how they smuggle narcotics into the United States through Cuban waters.

SOURCE. What I have been given to understand, seen with my eyes because I have been involved is that ships that depart Colombia, are being waited on by Cuban patrol boats. Around the bottom (South Cuban Shore) of Cuba the area Baracoa or the Windward Pass. Once in the area the Colombia ship raises or displays a Cuban flag. The ship is then met by two Cuban patrol boats which then take it to "Cayo Paredon Grande".

While at "Cayo Paredon Grande" they notify Lt. Col. "Angel" or Lt. Col. Gustave of the ministry of State Security. Those are the only persons names I know.

Those persons advise Miami, I don't know how maybe by telephone, that the ship is in Cuba. The people then leave Miami and go to "Cayo Paredon Grande". They then take the ship out to around "Lobo" there the mother-ship is off loaded. Then from there the smaller vessels from here go around the Bahama area. The small U.S. vessels then go to "South Little Rock"; there is where the ships are unloaded.

BENITEZ. When they enter Cuban waters they already have pre-arranged with Cuban Government to raise Cuban flags.

SOURCE. Yes. It has been pre-arranged; it is pre-arranged, the same as the U.S. vessel that leaves here (Miami) does the same. There is a small area, I can't remember the name but it's on the maps, this area there are only 17 miles between Cuban waters and Bahamian waters (international waters). Even the U.S. Coast Guard will not stop you because you are displaying a Cuban flag.

Once you have come to about 10 miles from Cuba you notify by radio for Cuban boat. The Cuban boat will take you all the way into "Cayo Paredon Grande".

BENITEZ. For that service that the Cuban Government provides to drug traffickers, to bring narcotics to the U.S. what must be done?

SOURCE. They must pay, they must pay a commission.

BENITEZ. How much is the commission?

SOURCE. For each ship that goes through Cuba they must pay $50,000.00.

BENITEZ. You are speaking of large ships with large loads.

SOURCE. Well, ships which cannot exceed 10 tons.

BENITEZ. You mean a small fishing vessel or small yacht. Not a large ship.

SOURCE. If it has 10 tons or 20,000 pounds after that they have to pay more money.

BENITEZ. Well, they have a price established.

SOURCE. They have a price, just like airplanes have a price.

BENITEZ. For the amount of cargo the ship carries.

SOURCE. Yes. They check it too!

BENITEZ. They check it?

SOURCE. They check the ships going from here; will identify itself; then you surrender your weapons to the Cuban Government. When you leave Cuban waters, the Cuban escort ship clears you; they give you back all the weapons you had on board. They don't seize anything.

Benitez. You have participated on these operations.

Source. I was in one operation there.

Benitez. And you know of another which was discussed in your presence?

Source. Several others!

Benitez. Several others!

Source. Um Hum!

Benitez. Would you be willing to provide this information under oath.

Source. Yes, I would be willing to provide it under oath.

Benitez. Would you be willing to give me or other agents that can act on these matters, this information.

Source. Yes, I will give it to you and with more details because I have a map in my hands.

Benitez. O.K. Do you have any questions? Well, let's conclude this interview for today interview concluded.

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 82-643-Cr-JE
21 U.S.C. § 963
M/S 5 yr. - $15,000
21 U.S.C. § 841(a)(1)
M/S 15 yr. - $125,000
21 U.S.C. § 952
M/S 5 yr. - $15,000
2 yr. min. spec. parole
18 U.S.C. § 1952
M/S 5 yr. - $10,000

UNITED STATES OF AMERICA)

v.)

JAIME GUILLOT-LARA,)
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,)
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,)
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,)
HECTOR GONZALEZ-QUINONES,
a/k/a Frank Bonilla,)
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDES,)
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ,)
a/k/a Pepe Gato,
CORNELIO RAMOS-VALLADARES,)
a/k/a El Cori,
ALBERTO CORTEZ,)
LEVINIO OROBIO-MICHELENA,
and)
JULIAN LOSADA, a/k/a Cachaco

INDICTMENT

The Grand Jury Charges that:

COUNT I

1. At all times material to this indictment, the defendant RENE RODRIGUEZ-CRUZ was a member of the Central Committee of the Communist Party of Cuba and President of the Cuban Institute of Friendship with the People (I.C.A.P.), a Cuban Government Agency which, in part, oversees the activities of foreign visitors in Cuba.

2. At all times material to this indictment, until the termination of diplomatic relations between Cuba and Colombia on

or about March 23, 1981, the defendant FERNANDO RAVELO-RENEDO was the plenipotentiary Ambassador to Colombia from the Government of Cuba.

3. At all times material to this indictment until the termination of diplomatic relations between Cuba and Colombia on or about March 23, 1981, the defendant GONZALO BASSOLS-SUAREZ was Minister-Counselor of the Cuban Embassy in Colombia.

4. At all times material to this indictment, the defendant ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriguez, was a member of the Central Committee of the Communist Party of Cuba and held the military rank of Vice-Admiral of the Cuban Navy.

5. From in or about the fall of 1979, and continuing thereafter until in or about January of 1981, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
HECTOR GONZALEZ-QUINONES,
a/k/a Frank Bonilla,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato,
CORNELIO RAMOS-VALLADARES, a/k/a El Cori,
and
LEVINIO OROBIO-MICHELENA,

did knowingly, willfully and unlawfully combine, conspire, confederate and agree, together with each other, and with diverse other persons who are both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

a. To import a controlled substance, that is: methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952(a).

b. To possess a controlled substance, that is:

methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, with the intent that the controlled substance be unlawfully imported into the United States, in violation of Title 21, United States Code, Section 955a(d)(1).

6. It was part of said conspiracy that the defendant JAIME GUILLOT-LARA and others, both known and unknown to the Grand Jury, would agree with the defendants FERNANDO RAVELO-RENEDO, GONZALO BASSOLS-SUAREZ, and RENE RODRIGUEZ-CRUZ to use Cuba as a loading station and source of supplies for ships transporting methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

7. It was further part of said conspiracy that the defendant ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriguez, and others, both known and unknown to the Grand Jury, would supervise, in Cuba, the protection and resupply of ships transporting methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

8. It was further part of said conspiracy that the defendant DAVID LORENZO PEREZ, JR., and others, both known and unknown to the Grand Jury, would agree with the defendant JAIME GUILLOT-LARA to purchase, receive, store and possess with intent to distribute methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, supplied by the defendant JAIME GUILLOT-LARA and others from Colombia.

9. It was further part of said conspiracy that the defendant JAIME GUILLOT-LARA and others, both known and unknown to the Grand Jury, would assemble and package methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, in Colombia and would provide ships to transport methaqualone tablets from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

10. It was further part of said conspiracy that the defendants HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, JORGE FELIPE LLERENA-DELGADO, JOSE DOMINGO MARTINEZ-VALDES, a/k/a Jose Luis Martinez, JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, CORNELIO RAMOS-VALLADARES, a/k/a El Cori, and LEVINIO OROBIO-MICHELENA, and others, both known and unknown to the Grand Jury, would transport methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

All in violation of Title 21, United States Code, Section 963.

COUNT II

1. Paragraphs 1 through 4 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. From in or about the fall of 1979, and continuing thereafter until on or about July 31, 1981, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato,
CORNELIO RAMOS-VALLADARES, a/k/a El Cori,
ALBERTO CORTEZ,
LEVINIO OROBIO-MICHELENA,
and
JULIAN LOSADA, a/k/a Cachaco,

did knowingly, willfully and unlawfully combine, conspire, confederate and agree, together with each other, and with diverse other persons who are both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

a. To import a controlled substance, that is: marijuana, a Schedule I controlled substance, into the

United States from a place outside thereof, in violation of Title 21, United States Code, Section 952(a).

b. To possess a controlled substance, that is: marijuana, a Schedule I controlled substance, with the intent that it be unlawfully imported into the United States, in violation of Title 21, United States Code, Section 955a(d)(1).

3. It was part of said conspiracy that the defendant JAIME GUILLOT-LARA, and others, both known and unknown to the Grand Jury, would agree with the defendants RENE RODRIGUEZ-CRUZ, FERNANDO RAVELO-RENEDO, and GONZALO BASSOLS-SUAREZ, to use Cuba as a loading station and source of supplies for ships transporting marijuana from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

4. It was further part of said conspiracy that the defendant ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriguez, and others, both known and unknown to the Grand Jury, would supervise, in Cuba, the protection and resupply of ships transporting marijuana from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

5. It was further part of said conspiracy that the defendants, DAVID LORENZO PEREZ, JR., ALBERTO CORTEZ and others, both known and unknown to the Grand Jury, would agree with the defendant JAIME GUILLOT-LARA to purchase, receive, store and possess, with intent to distribute, marijuana supplied by the defendants JAIME GUILLOT-LARA and JULIAN LOSADA, a/k/a Cachaco, and others, both known and unknown to the Grand Jury.

6. It was further part of said conspiracy that the defendants, JAIME GUILLOT-LARA and JULIAN LOSADA, a/k/a Cachaco, and others, both known and unknown to the Grand Jury, would assemble and package marijuana in Colombia and would provide ships to transport marijuana from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

7. It was further part of said conspiracy that the defendants HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, JORGE FELIPE LLERENA-DELGADO, JOSE DOMINGO MARTINEZ-VALDEZ, a/k/a JOSE LUIS MARTINEZ, JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, CORNELIO RAMOS-VALLADARES, a/k/a El Cori, and LEVINIO OROBIO-MICHELENA, and others, both known and unknown to the Grand Jury, would transport marijuana from Colombia to the Southern District of Florida and elsewhere, by way of Cuba.

All in violation of Title 21, United States Code, Section 963.

COUNT III

1. Paragraphs 1 through 4 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. In or about the months of October and November, 1980, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
HECTOR GONZALEZ-QUINONES,
a/k/a Frank Bonilla,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ VALDEZ,
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato,
CORNELIO RAMOS-VALLADARES, a/k/a El Cori,
and
LEVINIO OROBIO-MICHELENA,

did knowingly, willfully and unlawfully attempt to import into the United States, from a place outside thereof, a controlled substance, that is: in excess of five million methaqualone tablets, also referred to as "Lemmon 714," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 952(a).

In violation of Title 21, United States Code, Section 963, and Title 18, United States Code, Section 2.

COUNT IV

1. Paragraphs 1 through 3 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. On or about November 26, 1980, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein:

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
ALBERTO CORTEZ,
and
LEVINIO OROBIO-MICHELENA,

did knowingly, willfully and unlawfully import into the United States, from a place outside thereof, a controlled substance, that is: marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.

COUNT V

1. Paragraphs 1 through 3 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. In or about the first two weeks of December, 1980, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
ALBERTO CORTEZ,
and
LEVINIO OROBIO-MICHELENA,

did knowingly, willfully and unlawfully import into the United States, from a place outside thereof, a controlled substance, that is: marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.

COUNT VI

In or about December of 1980, the exact date being unknown to the Grand Jury, at Homestead, in the Southern District of Florida, and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
DAVID LORENZO PEREZ, JR.,
and
ALBERTO CORTEZ,

did knowingly and intentionally possess with intent to distribute a controlled substance, that is: in excess of one thousand pounds of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT VII

1. Paragraphs 1 through 4 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. From on or about August 16, 1980, until on or about November 17, 1980, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
HECTOR GONZALEZ-QUINONES,
a/k/a Frank Bonilla,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato,
and
CORNELIO RAMOS-VALLADARES, a/k/a El Cori,

used and caused to be used facilities in interstate and foreign commerce, including the telephone, and traveled and caused others to travel in interstate and foreign commerce between the Southern

District of Florida, Colombia, Cuba and elsewhere, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, said unlawful activity being a business enterprise involving controlled substances, in violation of Title 21, United States Code, Sections 841, 952, 955 and 955a, and thereafter performed, attempted to perform, and caused to be performed acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the aforesaid unlawful activity.

3. The defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
ALDO SANTAMARIA-CUADRADO,
a/k/a Rene Baeza-Rodriguez,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
HECTOR GONZALEZ-QUINONES,
a/k/a Frank Bonilla,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato,
and
CORNELIO RAMOS-VALLADARES, a/k/a El Cori,

did use and cause to be used facilities in interstate and foreign commerce and did travel and cause travel in interstate and foreign commerce, as charged in paragraph 2, above, and more fully set forth and charged herein as follows:

a. On or about August 16, 1980, the exact date being unknown to the Grand Jury, the defendant, JAIME GUILLOT-LARA, in Nassau, the Bahamas, did telephone the defendant DAVID LORENZO PEREZ, JR., in Miami, the Southern District of Florida.

b. On or about August 17, 1980, the exact date being unknown to the Grand Jury, a private airplane did travel from the Southern District of Florida to Nassau, the Bahamas, did pick up the defendant JAIME GUILLOT-LARA, and did return to the Southern District of Florida.

c. Between August and October, 1980, the exact date being unknown to the Grand Jury, a vessel bearing at varying times the names "Biviana" and "Coral," carrying a cargo of methaqualone tablets which was destined for the Southern District of Florida by way of Cuba, did depart from Colombia.

d. On or about October 20, 1980, the exact date being unknown to the Grand Jury, the defendants JOSE DOMINGO MARTINEZ-VALDEZ, a/k/a Jose Luis Martinez, JORGE LLERENA, and CORNELIO RAMOS-VALLADARES, a/k/a El Cori, and others, both known and unknown to the Grand Jury, traveled from Miami, the Southern District of Florida, en route to Guincho Key, in the vicinity of the north coast of Cuba.

e. On or about October 24, 1980, the exact date being unknown to the Grand Jury, the defendant DAVID LORENZO PEREZ, JR., and another, known to the Grand Jury, did travel from Miami in the Southern District of Florida to Bimini, the Bahamas.

f. On or about October 29, 1980, the exact date being unknown to the Grand Jury, the defendant DAVID LORENZO PEREZ, JR., in Nassau, the Bahamas, did make a telephone call to Miami, the Southern District of Florida.

g. On or about October 30, 1980, the exact date being unknown to the Grand Jury, DAVID LORENZO PEREZ, JR., did receive a telephone call in Nassau, the Bahamas, from Miami, the Southern District of Florida.

h. In or about the month of November, 1980, the exact date being unknown to the Grand Jury, the defendants DAVID LORENZO PEREZ, JR., HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, and JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, and others, both known and unknown to the Grand Jury, did travel in the vessel

"Lazy Lady" to Paredon Grande, Cuba, and did rendezvous with the vessel "Biviana," a/k/a "Coral," for the purpose of receiving and transporting in excess of five million methaqualone tablets destined for the Southern District of Florida.

In violation of Title 18, United States Code, Sections 1952 and 2.

COUNT VIII

1. Paragraphs 1 through 4 of Count I are realleged herein as if fully set forth, and are incorporated herein by reference.

2. From on or about November 20, 1980, until on or about December 15, 1980, the exact dates being unknown to the Grand Jury, in the Southern District of Florida and elsewhere, the defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
and
ALBERTO CORTEZ,

used and caused to be used facilities in interstate and foreign commerce, and traveled and caused others to travel in interstate and foreign commerce between the Southern District of Florida, Colombia. Cuba and elsewhere, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, said unlawful activity being a business enterprise involving controlled substances, in violation of Title 21, United States Code, Sections 841, 952, 955 and 955a, and thereafter performed, attempted to perform, and caused to be performed acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the aforesaid unlawful activity.

2. The defendants herein,

JAIME GUILLOT-LARA,
FERNANDO RAVELO-RENEDO,
GONZALO BASSOLS-SUAREZ,
RENE RODRIGUEZ-CRUZ,
DAVID LORENZO PEREZ, JR.,
JORGE FELIPE LLERENA-DELGADO,
JOSE DOMINGO MARTINEZ-VALDEZ,
a/k/a Jose Luis Martinez,
and
ALBERTO CORTEZ,

did use and cause to be used facilities in interstate and foreign commerce and did travel and cause travel in interstate and foreign commerce, as charged in paragraph 2, above, and more fully set forth and charged herein as follows:

a. In or about the last two weeks of November, 1980, the exact date being unknown to the Grand Jury, the defendants JOSE DOMINGO MARTINEZ-VALDEZ, a/k/a Jose Luis Martinez, JORGE FELIPE LLERENA-DELGADO, and others, both known and unknown to the Grand Jury, did travel aboard the United States vessel "K.D." from Key West in the Southern District of Florida to Guincho Key in the vicinity of the north coast of Cuba.

b. In or about the last two weeks of November, 1980, the exact date being unknown to the Grand Jury, the United States vessel "K.D." did travel and was caused to travel from the vicinity of Guincho Key to Key West in the Southern District of Florida.

c. On or about November 26, 1980, the exact date being unknown to the Grand Jury, a speedboat did travel and was caused to travel from Miami in the Southern District of Florida to Bimini, the Bahamas, and to return to Haulover Beach Inlet, Miami, in the Southern District of Florida.

d. On or about December 1, 1980, the exact date being unknown to the Grand Jury, the defendant ALBERTO CORTEZ did receive and store at Homestead in the Southern District of Florida a quantity of marijuana transported from Colombia by way of Cuba to the Southern District of Florida.

In violation of Title 18, United States Code, Sections 1952 and 2.

FOREPERSON

Stanley Marcus
STANLEY MARCUS
UNITED STATES ATTORNEY

Richard D. Gregorie
RICHARD D. GREGORIE
ASSISTANT U. S. ATTORNEY

EXHIBIT 3

[EXCERPT]

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 82-643-Cr-JE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIME GUILLOT-LARA, FERNANDO RAVELO-RENEDO, GONZALO BASSOLS-SUAREZ, ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriquez, RENE RODRIGUEZ-CRUZ, DAVID LORENZO PEREZ, JR., HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, JORGE FELIPE LLERENA-DELGADO, JOSE DOMINGO MARTINEZ-VALDES, a/k/a Jose Luis Martinez, JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, CORNELIO RAMOS-VALLADARES, a/k/a El Cori, ALBERTO CORTEZ, LEVINIO OROBIO-MICHELENA, and JULIAN LOSADA, a/k/a Cachaco,

Defendants.

U.S. Courthouse,
300 N.E. First Ave.,
Miami, Florida,
February 7, 1983.

The above entitled matter came on for trial before The Honorable JOE EATON, United States District Judge, and a jury, pursuant to notice.

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* * * * * * *

[Thereupon, the jury returned to the
courtroom, after which the following
proceedings took place:]

Thereupon:

JOHNNY CRUMP

was called as a witness on behalf of the Government who, after first having been duly sworn by the Court, was examined and testified as follows:

THE INTERPRETER: Judge, in view of the fact that the witness has answered in English, are we going to use--

THE COURT: Mr. Witness, do you speak fluent English?

THE WITNESS: I hope, Your Honor, that I can give my testimony in English. If I need some help, I--

THE COURT: Well, you feel that you may need some help?

THE WITNESS: Not at the moment, sir.

THE COURT: Is Spanish your native language?

THE WITNESS: Yes, sir.

THE COURT: Yes, I believe that it is better that the man testify in Spanish, if he is concerned at all about his needing help, if that is all right with everybody.

MR. GREGORIE: Fine, Your Honor.

THE COURT: Sir, when you answer the questions, please answer in the Spanish language. Do not answer in English and do not mix your English with your Spanish, if you can avoid it. Just answer in Spanish. We are going to take your testimony in Spanish.

THE INTERPRETER: Please try to listen to the translation, only.

DIRECT EXAMINATION

BY MR. GREGORIE:

Q Sir, would you state your name and spell your last name for the Court and jury, please?

A Johnny Crump, C-r-u-m-p.

Q Mr. Crump, would you tell us how much education you have had, please, sir?

A High school and five years of law school

Q And, are you a lawyer, sir?

A Correct, in my country.

Q And, what country is that, sir?

A Colombia.

Q Have you been convicted of a crime here in the United States?

A Yes.

Q And, what crime was that, sir?

A Conspiracy to distribute cocaine and marijuana.

Q And, have you been sentenced on that charge, sir?

A Yes.

Q And, are you still in jail?

A No, sir.

Q When were you sentenced on that offense, sir?

A In February of last year.

Q Now, sir, would you tell this Court and jury how you were employed in 1979, the latter part of 1979 and 1980.

A I had some business in Colombia and besides I was involved in the drug business.

Q Drawing your attention, sir, to the latter part of November of 1979, sir, did you have occasion to have any discussions with any government officials concerning your drug business?

A Correct, sir.

Q And, who did you have the discussions with, sir?

A With Cuban government officials.

Q And, can you tell us the names of those officials?

A Fernando Ravelo-Renedo, Cuban Ambassador to Colombia, Gonzalo Bassols-Suarez, First Secretary of the Embassy, and Rene Rodriguez-Cruz, the president of ECAP.

Q Sir, would you explain to the Court and jury what ECAP is?

MR. SANFORD: Objection, Your Honor, no predicate at this time.

THE COURT: Sustained.

Just, we are not asking for an opinion predicate, we just want to know how he happened to know what it is, before he tells us.

BY MR. GREGORIE:

Q Sir, can you tell us what, of your own knowledge, would you spell ECAP.

A Cuban Institute for Friendship with the Peoples.

Q And do you, of your own personal knowledge, sir, know what that is?

A Yes, sir.

Q And, will you tell us what it is, sir?

A The institute is used by the Republic of Cuba as a sort of ministry for foreign relations.

MR. NEGRETTI: I am going to object to that assertion, Your Honor; no predicate for it.

THE COURT: Overruled. That is proper.

BY MR. GREGORIE:

Q Sir, when was, to the best of your knowledge, the firs t meeting you had with the Cuban officials you have just mentioned?

A By the end of the year, '79.

Q And, where was it, sir?

A At the Hilton Hotel in Bogota.

Q And, who was present at that meeting, sir?

A The Cuban officials that I just mentioned, Mr. Jaime Guillot-Lara and myself.

Q And, would you tell the Court and jury who said what to whom and identify the speaker, please.

A Jaime Guillot addressed Fernando Ravelo, asking him if they could use the Island of Cuba as sort of a. we could say an aircraft carrier or a point to resupply and resupply fuel and to cover themselves, to have safety inside the Cuban territorial waters so that from there to be able to dispatch or land drugs into the United States .

Q And, was anything else said, sir?

A And Ravelo answered that the matter sounded to him, and he said that he would try to talk to Cuba to see what could be treated so as to allow the ships to reach Cuban territorial waters.

Q Was there anything else in that meeting stated about the drug business, sir?

A No, not that I remember at this time, sir.

Q Did you have any other meetings with Fernando Ravelo-Renedo, Gonzalo Bassols-Suarez or Rene Rodriguez-Cruz?

A Yes, sir. The next year, between the month of March to approximately July of the year 1980, I had approximately six or seven meetings with the gentlemen, Ravelo, Rodriguez-Cruz and Bassols.

Q When was the next meeting you remember, sir, if there was one in which the matter of drugs was discussed?

A Again, on one occasion at the Hilton Hotel, and at the apartment which was the residence of Fernando Ravelo-Renedo.

Q And, can you tell us approximately when, sir, was the meeting, the second meeting at the Hilton Hotel?

A Approximately how I just said, between March and May.

Q And, do you remember who was present at that meeting, sir?

A Correct. Fernando Ravelo-Renedo, Rodriguez-Cruz and Jaime Guillot-Lara.

Q And, can you tell the Court and jury who said what to whom at that meeting?

A Fernando Ravelo explained that from Cuba, from Havana, they had given permission to use the Cuban territorial waters to protect the vessels loaded w-th drugs and he told Jaime Guillot that they would need about one month of previous notification before dispatching the vessels.

Q Was there anything else said at that meeting, sir?

A No, sir. Afterwards, there was another meeting at the apartment of Gonzalo Bassols-Suarez in Bogota.

Q And, who was present at that meeting, sir?

A Gonzalo Baasols-Suarez, Fernando Ravelo, Jaime Guillot, Jesus Amaya and myself.

Q And who said what to whom at that meeting, sir?

A The topic of using Cuba to protect the drug boat was again touched on.

Jaime Guillot told Fernando Ravelo that he would be able to send a boat towards Cuba in about approximately a month or a month and a half.

THE INTERPRETER: Judge, it is very disturbing and distracting for me, the movements of the witness, so could he be instructed to please--

THE COURT: You tell him whatever you want to tell him in reference to his movements, please.

BY MR. GREGORIE:

Q And, then, what happened, sir? What else was said?

A Jaime explained that in a month or a month and a half, he would be capable of sending a boat to Cuba.

Fernando Ravelo explained to him that we should use the name VIVIANA and told Jaime to choose the flag so that in this manner the boats would be identified.

Q Sir, why was the name VIVIANA chosen?

A My wife who was going to have a baby the next month in August and Fernando Ravelo was going to be the godfather at the baptism of the girl, assuming that it was a girl, otherwise we had already chosen another name.

Q And what name had you chosen if it was a girl?

A Viviana.

Q Now, sir, was any discussion, was there any discussion, was there any discussion of money while you were at this meeting in Bassols' apartment?

A Correct, sir. Jaime Guillot offered Fernando Ravelo $500,000 for each boat that would touch on Cuban territory.

Q And, did he get a response to that?

A Correct. That was the agreement made that for each ship that would get there, Jaime should pay that amount.

Q Did you ever see Rene Rodriguez-Cruz again, sir?

A Yes, sir.

Q When was the next time you saw him?

A In the month of August, when I was in Cuba.

Q Sir, I am going to show you what has been marked as Government Exhibit 40 for Identification, and ask you, sir, if you recognize that.

A Yes, sir.

Q And, would you tell the Court and jury what that is, sir?

A My Colombian passport.

Q And, is that the same passport, sir, you used in traveling in the summer of 1980?

A Yes, sir.

Q And, did you observe stamps being placed in there by various Immigration officials from different countries?

A Yes, sir.

MR. GREGORIE: Your Honor, I would offer Exhibit 40 for Identification and show it to defense, for evidence, show it to defense counsel.

THE COURT: All right, gentlemen, pass it along, please.

MR. NEGRETTI: Judge, I am trying to locate--

MR. SIBILA: Your Honor, perhaps it would be better if the government just showed us what it is.

THE COURT: That has been demonstrated to you before?

MR. GREGORIE: They have been provided copies.

THE COURT: Pardon?

MR. GREGORIE: They have been provided copies.

THE COURT: I would just like you to take a look at it and tell me whether you have any objection. Let's move along.

MR. NEGRETTI: Show us what it is.

MR. GREGORIE: The government submits it for Evidence.

THE COURT: You can receive it.

MR. NEGRETTI: I am going to object to that unless a proper predicate is laid.

THE COURT: You may receive it into evidence.

[Thereupon, Government Exhibit No. 40 was received into Evidence.]

BY MR. GREGORIE:

Q Now, sir, examining Government Exhibit No. 40 in Evidence, can you tell us, sir, on your trip to Cuba, did you go directly from Colombia?

A No, sir.

Q How did you go?

A One flight from Bogota to Panama, and one flight to Bogota, one flight from Bogota to Panama, and the next day we took a flight to Havana.

Q Who was with you on those flights, sir?

A Fernando Ravelo-Renedo.

Q Now, sir, when you went from Colombia to Panama, was that recorded in Government Exhibit 40, your passport?

MR. LICHTER: Objection, Your Honor, it speaks for itself.

THE COURT: It does, but if you wish to read it, sir, you read it.

MR. GREGORIE: I believe there is, Your Honor, it is necessary to explain the testimony. I am about to ask--

THE COURT: All right, go ahead.

BY MR. GREGORIE:

Q Can you find that, sir? Can you find that, sir?

A Yes, sir, it was on August the 14th, 1980.

Q And, does Government Exhibit 40 show you leaving Panama on that date, sir?

A Correct, sir.

Q When you arrived in Cuba, sir, did you go through Immigration?

A No, sir.

Q What happened when you and Mr. Renedo arrived in Cuba?

A From the Cubana de Aviacion airlines, airplane, we were being expected there by two automobiles and from there at the same, on the same runway, parked on the same runway, and from there we left to the City of Havana.

Q And, how long were you in Havana, sir?

A Approximately 14 days.

Q And, when you left, sir, did you go through any sort of Immigration when you left Cuba?

A No, sir, directly to the airplane again.

Q And, where did you fly to, sir?

A Again, to Panama.

Q And, does your passport, Government Exhibit 40, reflect your re-entry into Panama, sir?

A Correct, sir, August the 27th.

Q Is there any entry in Government Exhibit 40, sir, between your departure from Panama and your re-entry into Panama?

A No, sir.

Q Now, sir, can you tell us who, if anyone you met during the time you were in Cuba regarding your drug business?

A Correct, with the same Fernando Ravelo, with Gonzalo Bassols, with Roberto, the former Cuban Ambassador to Venezuela, and with Rene Rodriguez-Cruz.

Q And, where did you meet, sir?

A One of the places was at the Havana Hilton Hotel where I was during that time.

Q Would you tell us, sir, who said what to whom in that meeting?

MR. GREGORIE: For the record, Your Honor, I would ask the translator, I, my question was, where the meeting was and I asked again, sir, where was the meeting.

THE WITNESS: At the Havana Libre Hotel, the first time.

BY MR. GREGORIE:

Q Thank you, sir.

Now, sir, would you tell us who said what to whom at that meeting?

MR. NEGRETTI: Which meeting? The first or the second, Judge? Which meeting? Talking about two meetings, the first or the second?

THE COURT: Mr. Interpreter, you just interpret. You are asking me, counselor?

MR. NEGRETTI: I am asking for clarification, Your Honor.

THE COURT: I just work here.

MR. NEGRETTI: Well, Judge, most respectfully I move that the Court clarify which meeting for us, or make the witness answer to which meeting.

BY MR. GREGORIE:

Q Mr. Crump, will you tell who said what to whom at the first meeting at the Havana Libre Hotel?

A Correct. Fernando Ravelo after the first day of our arrival told me that the north part of the island of Cuba, the Cuban Navy already had orders to protect the VIVIANA boat which was coming already loaded with drugs from Colombia.

Q Had you discussed this drug shipment with Jaime Guillot-Lara?

A Correct, at the meeting at the apartment of Gonzalo Bassols in Colombia, we agreed that approximately for the month of August when I would travel with Fernando Ravelo to Cuba, the boat with the drugs would be in t he north zone of, in the area of the north coast of Cuba.

Q Did Guillot-Lara tell you what type of drugs?

A Yes, sir, quaaludes.

Q Now, sir, at this first meeting at the Havana Libre, did anyone discuss with you any problems with this boat?

THE INTERPRETER: Did you say load or boat?

BY MR. GREGORIE:

Q Boat.

A Two or three days later, I received a call or I did a call to Colombia to Jesus Amaya and he explained to me that they had lost radio contact with the boat, that Jaime was here in Miami and he was sending me word by means of Jesus Amaya if I had any way to contact the boat for the purpose of telling the boat to move, to move a little bit to the east of the island of Cuba.

Q And, did you discuss this with anyone while you were in Cuba?

A Correct, sir, with Fernando Ravelo.

Q What, if anything, did he tell you, sir?

A Not to worry, that the boat could be all the time needed right there in that area of the north area of Cuba.

Q Did you have a meeting while you were in Cuba with Rene Rodriguez-Cruz?

A Yes, sir, I was with Fernando Ravelo at Rene Rodriguez-Cruz' home.

Q And, would you tell us, sir, who said what to whom at meeting.

A Rene Rodriguez-Cruz told me if I could wait for a few days for the purpose of meeting an expert in smuggling who used to work for him or who worked for him.

Q What did you tell him, sir?

A By those days I already had prepared my return to Panama, but that I would wait those three or four days to wait and see if that gentleman, that expert, that worked for him would arrive to Havana.

Q Did that expert arrive before you left, sir?

A No, sir.

Q And again, sir, when did you leave Cuba?

A August the 27th.

Q Now, sir, subsequent to August the 27th, did anyone contact you again about any boats in Cuba?

A Yes, sir, by the end of October or the beginning of September of that same year.

Q And, who contacted you, sir?

A Jesus Amaya called me from Bogota to Monteria to explain to me that Fernando Ravelo had been advised from Havana that in that city there was a boat detained with drugs and under the name VIVIANA and that he wanted to know whether that boat belonged to the agreement, if it belonged to us.

I answered him to call Jaime Guillot to Barranquilla for the purpose of finding out, because I did not know.

Q Did you do anything further regarding this boat, sir?

A In that same conversation I told Jesus Amaya that in case that the boat belonged to Jaime Guillot that it was correct to have it released.

Q Did you ever discuss this boat with Fernando Ravelo-Renedo?

A Yes, sir, upon my return to Bogota in the month of November.

Q And, was there some sort of special event for you in November, sir?

MR. NEGRETTI: May we have a year, Your Honor?

MR. GREGORIE: 1980, sir.

MR. NEGRETTI: Thank you.

THE WITNESS: It was the baptism of my daughter, Viviana.

BY MR. GREGORIE:

Q And, who was the godfather to Viviana, sir?

A Fernando Ravelo-Renedo.

Q And, did you have a discussion with him about that boat at the baptism, sir?

A Correct, sir. He told me that in spite of the fact that they had not advised him and that the boat was already detained in Havana, he had anyway sent a telex to Havana and that they had released the boat in Cuba without anv kind of problems.

Q And, aqain, sir, can you tell us when was the contact you had from Jesus Amaya concerning that boat?

A. As I said to you, by the end of October or the beginning of November.

Q. Now, sir, did you have occasion to come to the United States at the end of December or the beginning of January, 1981?

A. In January of 1981.

Q. And, did you receive any instructions from anyone before you came?

A. Yes, sir. We had agreed that I will try to contact here or that I would be contacted by Mr. David Perez.

Q. And, who agreed with you to do that, sir?

A. Jaime Guillot-Lara.

Q. And, for what purpose did he wish you to contact David Perez?

A. So that David Perez would pay the amount of money that he owed at that time.

Q. And, did he tell you who he owed the money to?

A. Logically to him and because of that he had not been able to pay the Cuban government

Q. Sir, I am going to show you what has been marked for Identification as Government Exhibit

41 and 42.

Would you look at them and see if you recognize them?

A Yes, sir.

Q Can you tell us, sir, what they are?

A Telephone books, telephone numbers.

Q And, are those originals, sir, or are those copies?

A No, these are copies from the original.

Q And, do you recognize your handwriting there, sir?

A Yes, sir.

Q And, did you prepare those telephone books?

A Yes, sir.

MR. GREGORIE: Your Honor, the government would seek to admit 41 and 42.

MR. SANFORD: Judge, there is an objection. I don't think there is a predicate, the best evidence rule.

THE COURT: Overruled. You testified it was copies of the originals, didn't he?

MR. GREGORIE: I am going to ask you to go through the book, sir .

THE COURT: Did he testify they are --

photocopies of the originals?

MR. GREGORIE: Yes, Your Honor.

BY MR. GREGORIE:

Q And circle for us in red, and tell us each time you draw a circle the names of the individuals that are involved in your testimony thus far.

For the record, the government is now looking at Exhibit 40.

A Jesus Amaya, Gonzalo Bassols, the Cuban Embassy in Panama, Hilton Hotel, I do not know if that, in Bogota, Norberto, the former Venezuelean, I mean Cuban Ambassador to Venezuela, Fernando Ravelo, Rene Rodriguez, that is all on the Exhibit 42.

Q Now, sir, would you do the same with Government Exhibit No. 41, sir?

THE COURT: Just put a circle around something?

MR. GREGORIE: Maybe I can speed it up, if Your Honor wishes.

BY MR. GREGORIE:

Q Would you look at the section under D, sir?

Are there any individuals who you have not identified from the other book in that section, sir?

A Jaime Guillot-Lara. I think that those are all of those that have been mentioned up to this moment.

Q Is there a Diaz in that book, sir?

A Correct, sir.

Q And who is that individual, sir?

A He is known as El Negro Diaz and he is a navigation captain.

Q And, did you find that in the phone book, sir?

A Correct.

Q Thank you, sir.

Now, sir, I am going to show you what has been marked as Government Exhibit No. 44--42, I am sorry. Strike that.

Government Exhibit 2 in Evidence, and ask you, sir, if you can find a photo in there of the baptism of your daughter.

A Yes, sir.

Q And, what number is that, sir?

A 32.

Q And, is the godfather of the child in that picture, sir?

A Yes, sir.

Q And, who is that?

A Fernando Ravelo-Renedo.

Q And, where is he in that picture, sir?

A To the left of the priest and to the right of his wife who is carrying the baby, my daughter.

Q Can you find a photograph, sir, of Rene Rodriguez-Cruz, sir?

A Yes, sir.

Q And, what photograph is that, sir?

A 35.

MR. GREGORIE: For the record, Your Honor, the witness has identified 2-35.

BY MR. GREGORIE:

Q Do you see a photograph in there, sir, of yourself and two other individuals?

A Correct, sir.

Q And, what number is that, sir?

A 18.

Q And, who are the two individuals in that picture with you, sir?

A Fernando Ravelo-Renedo and Gonzalo Bassols-Suarez.

Q Do you see a picture of Jaime Guillot-Lara there, sir?

A Yes, sir; No. 16.

Q Would you take a look at No. 34, sir, and what is No. 34, sir?

A A business card or an official card of Fernando Ravelo-Renedo as the Ambassador of the Republic of Cuba.

Q Have you ever seen this business card before, sir?

A Of course, yes, sir.

Q And, where did you see it, sir?

A On several occasions and I think I had one or two in my possession.

MR. GREGORIE: I have nothing further of this witness, Your Honor.

MR. LICHTER: No questions, Your Honor.

MR. LAZARUS: No questions, Your Honor.

MR. TOZO: No questions, sir.

CROSS EXAMINATION

BY MR. NEGRETTI:

Q Good afternoon, sir.

A All right.

Q Are you from Bogota?

A No, from Barranquilla, Colombia.

Q Is that near Lagwahera?

A Four hours by car.

Q And that is the place where they grow the most marijuana in Colombia, is that correct?

A Correct, sir.

Q Is that near Santa Marta, sir?

A An hour and a half or two hours from there.

Q And, is it near, in Santa Marta, Colombia, that they grow the marijuana known as Colombian Gold?

A Yes, sir.

Q Now, you said you were a drug smuggler, is that correct?

THE COURT: A what?

BY MR. NEGRETTI:

Q A drug smuggler.

A Correct.

Q Are you still a drug smuggler?

A No, sir.

Q Are you living outside the United States now?

MR. GREGORIE: Objection, Your Honor.

THE COURT: All right.

Ladies and gentlemen, step out just for a few minutes, please.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: Why do you need an answer to that question, Mr. Negretti? What is involved?

MR. NEGRETTI: Because I am going to ask him, I do not want him to tell me he comes from Colombia or Caracas or where. My difficulty, I want to know if he lives outside, who pays his trips, tickets here, if he gets any money to testify here in order to establish bias on the part of the witness, Your Honor, that is the purpose of the question.

THE COURT: All right. So you want to know whether or not the government paid his way here?

MR. NEGRETTI: That's right.

THE COURT: How much they paid him?

MR. NEGRETTI: If he feels that his life may be in danger somewhere along the line, Judge--

THE COURT: Well, if you will just listen a minute, now, I might be helpful to you.

MR. NEGRETTI: Yes, sir.

THE COURT: You want to know whether the government--just ask him the several questions that you want to ask him in that regard and it will save us all some time.

MR. NEGRETTI: Sir, are you living now outside the United States?

THE COURT: Do not answer that. We know about that one.

What is the next one you want to ask him?

MR. NEGRETTI: Were you paid your trip to get here?

THE WITNESS: Yes, sir.

MR. NEGRETTI: How much did they pay you to go to the United States?

THE WITNESS: To come here? The cost of the ticket.

MR. NEGRETTI: How much was the ticket?

MR. GREGORIE: Your Honor, I again, counsel has a record of the funds provided to the witness. I think we are getting into a sensitive area to ask him the exact amount.

MR. NEGRETTI: I have no funds for the ticket. I want to find out how much was the ticket. I want to find out how much was the ticket.

THE COURT: I know you want to find out how much, but we have another problem involved and that, in fact, is in addition to the problem that you want to know how much, you are saying to us that he has the overall figures on what, counsel?

MR. GREGORIE: On how much money was provided to the man, the government protection program, the witness protection program.

THE COURT: Does that include--

MR. GREGORIE: It includes--

THE COURT: --bringing him here?

MR. GREGORIE: Yes, Your Honor.

THE COURT: All right.

MR. NEGRETTI: I would like to have a copy of that that says a ticket from today.

THE COURT: Look, he is not giving you the ticket for today.

MR. NEGRETTI: I don't want to give me the ticket, I want to know the amount of money from the government for today.

MR. GREGORIE: It was provided, the most recent copy that the government has and he did not arrive today, Your Honor. And, as to exactly when he arrived, I do not think it is necessary to disclose, but he has the most recent number and I can tell him that the man has been here since the start of this trial, at least.

THE COURT: All right, sir, and he is being provided for by the government?

MR. GREGORIE: Absolutely.

THE COURT: Ouarters are being provided by the government?

MR. GREGORIE: Yes, Your Honor.

THE COURT: His sustenance is being provided by the qovernment?

MR. GREGORIE: Yes, Your Honor.

THE COURT: And, Mr. Negretti has the full amount of money that the government has expended?

MR. GREGORIE: Yes.

MR. NEGRETTI: I would like to see a copy of it.

THE COURT: Up until his arrival up in Miami?

MR. GREGORIE: Yes, Your Honor. And he has been provided that.

THE COURT: Do you have that?

MR. NEGRETTI: I do not have a copy.

THE COURT: Do you have it? Whatever you were looking for?

MR. NEGRETTI: Judge, we will have no further questions from this witness.

THE COURT: Who else is going to inquire of him?

MR. NEGRETTI: We do not want any further questions of this witness.

THE COURT: I know you don't, Mr. Negretti. I am asking whether anybody wishes to inquire.

MR. COHEN: No questions.

THE COURT: Mr. Sanford?

MR. SANFORD: No, sir.

* * * * * * *

EXHIBIT 4

[EXCERPT]

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 82-643-Cr-JE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIME GUILLOT-LARA, FERNANDO RAVELO-RENEDO, GONZALO BASSOLS-SUAREZ, ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriquez, RENE RODRIGUEZ-CRUZ, DAVID LORENZO PEREZ, JR., HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, JORGE FELIPE LLERENA-DELGADO, JOSE DOMINGO MARTINEZ-VALDES, a/k/a Jose Luis Martinez, JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, CORNELIO RAMOS-VALLADARES, a/k/a El Cori, ALBERTO CORTEZ, LEVINIO OROBIO-MICHELENA, and JULIAN LOSADA, a/k/a Cachaco,

Defendants.

U.S. Courthouse,
300 N.E. First Ave.,
Miami, Florida,
February 7, 1983.

The above entitled matter came on for trial before The Honorable JOE EATON, United States District Judge, and a jury, pursuant to notice.

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hear a little bit better.

Now, let's get the witness.

MR. MERVIS: With that, may it please the Court, Your Honor, the Government calls David Lorenzo Perez.

[Thereupon, Witness Perez was represented in court by Julianne Holt, Esquire.]

MR. MERVIS: While we are waiting, the Government also does have an exhibit list which we will be pleased to submit to the Court, if that will assist the Court.

Thereupon:

DAVID LORENZO PEREZ

was called as a witness on behalf of the Government and, having been first duly sworn by the Clerk was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MERVIS:

Q Sir, would you please state your name?

A David Perez, Jr.

Q Could you move one of the microphones closer to you, sir.

Tell us your name again.

A David Perez, Jr., sir.

Q And how old are you?

A 27.

Q Mr. Perez, were you named in the indictment in this case?

A Yes, sir.

Q Charging these defendants?

A Yes, sir.

Q And, sir, have you previously pled guilty to one of the charges in the indictment?

A Yes, sir.

Q Which charge was that?

A Count I of the indictment.

Q And what did that charge you with?

A Conspiracy to smuggle methaqualone pills.

Q Into the United States?

A Into the United States, sir.

Q And this was methaqualone pills, also known as Lemmon 714?

A Yes, sir.

Q Did you in fact, sir, agree and conspire to import quaaludes into this country?

A Yes, sir.

Q Sir, did you have an agreement with the United States of America concerning giving testimony in this case?

A Yes, sir.

Q Was that agreement, sir, reduced to writing?

A Yes, sir.

MR. MERVIS: Your Honor, may I approach the witness?

THE COURT: Yes, sir.

MR. MERVIS: Let the record reflect I am showing Government Exhibit 4 for identification to defense counsel.

BY MR. MERVIS:

Q Sir, handing you what has been previously marked Government Exhibit No. 4 for identification, can you identify that document, please?

A Yes, sir.

Q And what is that?

A This is my plea agreement with the government.

Q Did you in fact sign that agreement?

A Yes, sir.

MR. MERVIS: Your Honor, at this time the government would move Government Exhibit No. 4 into evidence.

THE COURT: Government Exhibit No. 4?

MR. MERVIS: Yes, sir.

THE COURT: It is received into evidence.

[Thereupon, Government Exhibit No. 4 was received into evidence.]

MR. MERVIS: May I publish Government Exhibit No. 4 to the jury?

THE COURT: Yes, sir.

Take your time. Do not work Mrs. Featherstone too much. Go right ahead.

Do not do that. Read it to them, please. Read it to them.

MR. LICHTER: Excuse me, Your Honor. Isn't that Government--will that be Exhibit 4?

THE COURT: That it is.

MR. LICHTER: That will be Exhibit 4? Did it have a number for identification?

THE COURT: Well, it does not matter now. It is 4.

MR. LICHTER: Okay. Thank you, sir.

THE COURT: Go ahead.

MR. MERVIS: Ladies and gentlemen of the jury, Government Exhibit No. 4 is a letter dated December 3rd, 1982 written to Julianne M. Holt, Esquire, reference David Lorenzo Perez, Jr. and reads as follows:

"Dear Miss Holt: In accordance with our previous discussions, this letter will serve as a memorandum of understanding of the conditions under which you agree to furnish information to the grand jury for the Southern District of Florida in the Federal investigative agencies working on this matter, including the Drug Enforcement Administration in connection with an investigation into, among other areas, violations of the Federal narcotics laws in the Southern District of Florida and elsewhere, including violations of Title 21, United States Code, Section 841, 843(b), 846, 848, 952, 955 and 963 and Title 18, United States Code, Sections 2, 1962 through '64 and 1952-1.

"Mr. Perez agrees that he will truthfully and without reservation disclose to the Government investigators and prosecutors designated by their office all information concerning the activities of himself and others and will truthfully and without reservation testify in any civil or criminal trial or other proceedings with respect to the criminal or civil liability of defendants in Criminal Indictment No. 82-643, Cr-JE, and any other indictment or investigation in which he has information.

"This obligation of truthful and unreserved disclosure includes an obligation to provide upon request any documents, records or other tangible evidence within Mr. Perez's control.

"Two, Mr. Perez agrees that he will cooperate in any manner requested with Government agents and prosecutors designated by this office in the conduct of their investigations of others, provided, however, that his own safety is not jeopardized unreasonably, that is the Government agrees that it will not place Mr. Perez in a situation whose dangers exceed that which an undercover law enforcement officer would be exposed in the normal course of his duties.

"Three, Mr. Perez understands that the United States may disclose his status as a confidential informant during and subsequent to the course of the proceedings described herein.

"Four, it is understood that Mr. Perez must at all times give complete, truthful and accurate information and testimony.

"Should it be determined that he has intentionally given materially false, incomplete or misleading testimony or information or has otherwise materially violated any provisions of this agreement, Mr. Perez shall be subject to prosecution for any Federal criminal violation of which this office may have knowledge, including charges dismissed pursuant to this agreement.

"Any such prosecution may be premised upon any information provided by Mr. Perez from this time forward and in past non-immunized statements, including statements made in connection with the guilty plea or his offer to plead guilty and such information may be used against him.

"Furthermore, it is specifically agreed that in the event that it is determined that Mr. Perez has materially violated any provision of this agreement, a, all statements made by him to this office or other law enforcements agents or any testimony given by him before a grand jury or other tribunal whether subsequent to this agreement or in the past non-immunized statements or any leads derived from such statements or testimony shall be admissible in evidence against him, and (b), Mr. Perez shall assert no claim under the United States Constitution, any statute, Rule 11(e)6 of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence or any other Federal rule that statements made subsequent to this agreement or in past non-immunized statements or any leads therefrom should be suppressed.

"It is the intent of this agreement to waive any and all rights in the foregoing respects. Except as set forth above, no testimony or information provided by Mr. Perez pursuant to this agreement and no leads from such testimony or information may be used against him in any criminal proceedings, nor may he be charged with any other violations of Federal Criminal Law which result from direct or indirect testimony or leads provided by David Perez.

"Provided that Mr. Perez fully complies with the conditions and understandings herein contained, this office will accept a plea of guilty to Count I of Criminal Indictment 82-643-Cr-JE and will dismiss at the time of sentencing of David Perez all other counts in which David Perez is charged in this indictment.

"It is understood that the sentence to be imposed upon David Perez with respect to the offense to which he will plead guilty is within the sole discretion of the sentencing judge. This office cannot and does not make any promise or representation as to what sentence he will receive.

"However, this office will make known to the judge at the time of sentencing the nature, extent, quality and value of Mr. Perez' cooperation.

"This office reserves the right to make known to the Court and its probation office the fact of the case to which Mr. Perez will be pleading guilty as well as the background of Mr. Perez.

"This office will also make known to the sentencing judge and the probation office any danger David Perez may have placed himself in as a result of the nature and extent of his cooperation.

"Seven. The United States further agrees that should it appear that David Perez' personal safety or that of his immediate family has been jeopardized by his cooperation this office will recommend that he and his family be considered for placement in the witness protection program.

"The United States further agrees that members of David Perez' immediate family will not be prosecuted as a result of his cooperation and no civil or criminal forfeiture proceedings will be instituted on any property belonging to David Perez as a result of information, testimony and leads provided by David Perez to the United States during the course of his cooperation.

"Nine. Finally, the United States will not oppose a personal surety bond of $50,000 prior to sentencing with the condition that David Perez report to his attorney, Julianne M. Holt, Esquire, on a daily basis and that he provide continued cooperation with agents of the United States.

"Other than the conditions and agreements set forth in this letter, no other promises, agreements or conditions have been made by either the United States or you.

"If the aforementioned agreement meets with your approval, kindly execute same and return the original to me. You may keep a copy hereof for your files." Signed, Very truly yours, Stanley Marcus, United States Attorney, by Richard Gregorie, signed by Julianne M. Holt, Attorney for Defendant and David Lorenzo Perez.

BY MR. MERVIS:

Q Now, sir, in response to that agreement, first of all, have you been released on bail?

A No, sir.

Q Where are you presently?

A North Dade Detention Center.

Q That is jail, sir?

A Yes, sir.

Q Sir, have you ever been convicted of a crime?

A Yes, sir.

Q And how many times?

A One time, sir.

Q And was that on a drug-smuggling charge?

A Yes, sir.

Q And did you receive a sentence in the case?

A Yes, sir.

Q And are you still in jail pursuant to that sentence?

A Yes, sir.

Q Sir, have you been paid anything for your testimony?

A No, sir.

Q And do you understand this agreement which has just been read to allow you to testify falselv at this trial?

A No, sir.

Q And what would happen, what is the charge to which you might be subjected if in fact you were found to testify falsely?

A I would be facing five years for perjury.

Q Now, sir, in addition to the agreement which I just read to you, has it come to your attention that the United States has also advised the Parole Board of your cooperation?

A Yes, sir.

Q In fact what, to your knowledge, did the Parole Board do in response to that?

MR. SANFORD: Objection, Your Honor.

THE COURT: Sustained.

MR. MERVIS: What did the Parole Board do?

THE WITNESS: Nothing.

THE COURT: That question is objected to and sustained.

BY MR. MERVIS:

Q Sir, in response to that, have you received up until this point, any benefit from the Parole Board?

A No, sir.

Q In fact, were you scheduled for release on parole?

A Yes, sir.

Q When were you scheduled for release?

A January, 1983, the 14th.

Q As a result of the indictment in this case, what happened to you, sir?

A I was to remain in jail.

Q Sir, tell the members of the jury, have you in fact been a drug smuggler?

A Yes.

Q Sir, did there come a time when you came to know someone by the name of Jaime Guillot-Lara?

A Yes, sir.

Q Please explain to the members of this jury how you came to meet Mr. Guillot-Lara.

A Through Robert G. Clemente.

Q Who was Robert G. Clemente?

A Well, he was a person who was introduced to me, that supposedly had some--

MR. SANFORD: Objection, Your Honor.

THE COURT: Sustained.

BY MR. MERVIS:

Q To your knowledge, sir, not what anyone else told you about Robert G. Clemente, first of all, Robert G. Clemente, where does he live?

A Colombia, sir.

Q And what was your relationship with

Robert G. Clemente?

A We were partners in drug smuggling.

Q Now, you refer to Robert G. Clemente as a Frenchman?

A Yes, sir.

Q Does he live in France?

A Well, he is originally from France, but he lives in Colombia at the time.

Q When did you meet Robert G. Clemente?

A In the middle of 1980.

Q And how did Robert G. Clemente bring to your attention Jaime Guillot-Lara?

A First of all, me and G. Clemente were to do a drug deal which it fell, and he came back from Colombia and we were sitting in my house eating and the phone rings and I picked it up and it was Jaime Guillot-Lara on the phone.

MR. SANFORD: May we have a time, date, place?

BY MR. MERVIS:

Q To the extent that you can, sir, could you tell us approximately when that was?

A About around July, 1980, sir.

Q And before this phone call had G.

Clemente told you about Jaime Guillot-Lara?

MR. NEGRETTI: The question--rephrase that question. Leading.

THE COURT: Overruled.

THE WITNESS: He told me that--

THE COURT: He just wants to know whether he had or not, told you anything about him.

THE WITNESS: Yes, sir.

BY MR. MERVIS:

Q What had Robert G. Clemente told you about Jaime Guillot-Lara?

A He was the guy, the name of the guy, was the guy that was providing all the drugs.

Q From whom? Where to where?

MR. NEGRETTI: I say again--

MR. MERVIS: It is not hearsay.

MR. NEGRETTI: Objection, if I may be heard.

THE COURT: I have not heard the objection. I have just heard the word, objection.

What is the rest of it?

MR. NEGRETTI: Object. He told me.

THE COURT: All right. Overruled.

Proceed.

BY MR. MERVIS:

Q What did he tell you about Jaime Guillot-Lara?

A Will you repeat that again, sir?

Q What did Robert G. Clemente, before the phone call in the summer of 1980, tell you about Jaime Guillot-Lara?

A Jaime Guillot-Lara was our supplier to bring the drugs into this country.

Q From which country?

A From Colombia.

Q Now, please tell the members of the jury what the telephone conversation was that you had with Jaime Guillot-Lara in the middle summer of 1980.

MR. NEGRETTI: Objection, leading, telling him about the telephone conversation.

THE COURT: Your objection is that it is leading, right? It is leading?

MR. NEGRETTI: Yes, sir.

THE COURT: Overruled.

BY MR. MERVIS:

Q You can answer, what did Jaime Guillot-Lara and you discuss over the telephone.

A Jaime Guillot-Lara wanted--he was in

Nassau and he wanted me to send an airplane to pick him up and I told him I--that I had no airplane, but that it was an airplane sitting in Nassau, and if he could find the airplane pilot and described the airplane and the pilot, that he would--he was to come in that airplane.

Q Could you briefly tell us the description that you gave Jaime Guillot-Lara?

A I told him it was a Cessna 410 and that a black pilot, if you find him just tell him that David told you that it is okay for you to come with him on this airplane.

Q Was there anything else discussed at that time?

A Well, I had to put G. Clemente on the phone because at the beginning I had never spoken with Jaime Guillot-Lara, so I didn't really want to talk to him.

THE COURT: The question was, was anything else said at that time.

BY MR. MERVIS:

Q By you, with Jaime Guillot-Lara.

A No, sir.

Q Robert G. Clemente then spoke with

Jaime Guillot-Lara?

A Yes, sir.

Q What did you hear G. Clemente tell Jaime Guillot-Lara?

A That we were expecting him.

Q In fact did Jaime Guillot-Lara, what did Jaime Guillot-Lara do in response to that, to your knowledge?

A To my knowledge, he just showed up the next day at my house, sir.

Q Now, up until that time had you seen Jaime Guillot-Lara before?

A No, sir.

Q Sir, during the course of the investigation in this case, did agents of the Drug Enforcement Administration show you some photographs?

A Yes, sir.

MR. MERVIS: May I approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Let the record reflect I am showing Government Exhibit 2, which has been premarked to defense counsel.

Handing you what has previously been marked as Government Exhibit 2, can you, sir, identify that?

A This is an album with photos, sir.

Q Take a look through it, if you would.

A (Witness complies.)

Q Are those in fact the photographs you were shown by agents of the Drug Enforcement Administration?

A Yes, sir.

Q Did you make an identification of individuals in that album?

A Yes, sir.

MR. MERVIS: Your Honor, at this time the Government would move Government Exhibit 2 for identification into evidence.

MR. SANFORD: Objection as to relevance, Judge.

MR. LICHTER: It is also my understanding that the album contains photos which were not identified and as to those--

THE COURT: Lay the predicate, please, sir. He says some of them have not been identified, according to counsel.

BY MR. MERVIS:

Q All right. Sir, with regard to Government Exhibit 2, would you please tell the members of the jury the circumstances under which those photographs were shown to you?

A It is 93 pictures.

THE COURT: Just a minute. What is the matter, counsel?

MR. NEGRETTI: All the photographs, which photographs, Judge?

THE COURT: The ones he has in his hand.

MR. NEGRETTI: Oh, where are they, all of them?

THE COURT: That is what I believe he is asking him about, yes.

BY MR. MERVIS:

Q Continue, sir.

A There is 93 photographs in here and they took each one of the photographs and mixed them up together and they handed me, to me, and told me to look over and whoever I recognized to set a name, say the name.

Q Did they--did the agents from the Drug Enforcement Administration suggest to you in any way that you understood, did they tell you who any of the photographs were of?

A No, sir.

Q Did they suggest to you who you should pick out?

A No, sir.

Q Upon reviewing those photographs, did you, sir, identify the photographs of the individual you told us you named as Robert G. Clemente?

A Yes, sir.

Q And could you tell us which photograph that was, sir?

A May I look through it, sir?

Q Yes, sir.

MR. MERVIS: Judge, for the record, just so the Court understands, those photographs are numbered there. I intend to refer to them as to--whatever the number is.

THE COURT: All right.

THE WITNESS: Number 28, sir.

BY MR. MERVIS:

Q And did you in fact identify a photograph of Jaime Guillot-Lara?

A Yes, sir.

Q Could you please give us a number of that photograph?

A Number 16, sir.

MR. MERVIS: Your Honor, at this time I would once again renew the Government's motion to introduce the entire photo package into evidence, Government Exhibit No. 2.

THE COURT: All right.

MR. LICHTER: Objection, no objection to the two photographs identified. The others are not relevant.

THE COURT: They are.

MR. MERVIS: May I be heard?

THE COURT: Certainly. He is simply attempting to show that all of the photographs were handed to him at one time and the man has testified to that and it is certainly admissible. Overruled.

If he handed him five, if he handed him five hundred, all of them would be admissible on the basis that the witness testified that is what they handed me.

BY MR. MERVIS:

Q Sir, now, I wonder--

THE COURT: Excuse me just a minute.

* * * * * * *

Get the jury.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

THE COURT: Counsel, I want you to recognize the acoustical problem we have here and trv to put the microphones into such a position that they do not obscure the witness from the jury.

I just happen to think every now and then we end up with one of these microphones right in front of a witness' face. They would like to be able to see you all. That is fine now. And I'm going to leave it up to you to sort of monitor the volume because the acoustics are terrible in this room.

MR. MERVIS: I can assure Your Honor if I do not think the jury can hear the witness, I am going to tell someone.

THE COURT: Okay.

BY MR. MERVIS:

Q Now, sir, looking at what has been introduced into evidence as Government Exhibit No. 2, that book of photos, would you just hold up the two photos that you have identified?

A. Sir, you want me to take them out of the book?

Q No, may I just see it? I want to avoid a problem.

MR. LICHTER: For the record, Your Honor, that was admitted?

THE COURT: Yes.

MR. LICHTER: It was?

THE COURT: It was.

MR. LICHTER: I am sorry. I did not hear that. I am sorry.

THE COURT: That is okay.

[Thereupon, Government Exhibit No. 2 was received in evidence.]

MR. MERVIS: Judge, my intention is to allow the witness to show from the witness stand the two pictures which he has identified.

THE COURT: That will be fine, if you can arrange that, and you can do it.

MR. MERVIS: I just want to tell counsel, because they're on pages with other pictures, which I do not know if there is an objection.

THE COURT: All right.

MR. MERVIS: Once again, they are pictures 16 and 28.

It makes it easier, Judge, can you pull out those pictures?

THE WITNESS: (Witness complies.)

MR. MERVIS: Judge, I think we have just avoided the problem.

BY MR. MERVIS:

Q Mr. Perez, would you please hold up from where you sit the pictures that you just identified as No. 28, G. Clemente, first?

A (Witness complies.)

Q And then No. 16, Jaime Guillot-Lara.

A (Witness complies.)

MR. SANFORD: For the record, may we have them marked 2A and 2B?

THE COURT: They have the numbers on them, Counselor.

Ladies and gentlemen, we know you do not have perfect eyesight. Any document that is offered in and received in evidence by us will be made available to you. You will have an opportunity to read very carefully and observe them when the time comes. We just do not stop every time and show everything because they will be totally available to you.

MR. MERVIS: May I proceed?

BY MR. MERVIS:

Q Now, sir, going back to mid-summer of 1980, did in fact Jaime Guillot-Lara come to Miami?

A Yes, sir.

Q And could you please tell the members of the jury what occurred upon his coming to Miami?

A We had a meeting at my house.

Q Who was present at that meeting, sir?

A It was Jaime, myself, Robert G. Clemente and he came in a car with his brother-in-law, Fernando.

We discussed the fact of what he had in Colombia, what I needed to do to send for it.

Q Could you please tell the members of the jury what that discussion was?

A Was about a million methaqualone pills that he supposedly had on a strip nearby Barranquilla.

Q Sir, did that discussion come to result in the fact of any kind of smuggling venture?

A Yes, sir.

Q Sir, did there come a time then with Jaime Guillot-Lara that you began discussions with him concerning smuggling of marijuana and quaaludes into the United States by way of Cuba?

A Yes, sir.

Q Could you please tell the members of the jury how those discussions began?

A We had a meeting at the Ramada Inn in-- on U.S. 1.

When I arrived--

MR. LICHTER: Excuse me. Time and place?

BY MR. MERVIS:

Q Approximately when, sir?

A Approximately about the end of June or the beginning of July, 1980.

5

Q And who was present at that meeting?

A It was when I arrived there, there was Fernando, myself, which was Jaime Guillot's brother-in-law, another Colombian which I don't recall his name and two middle-aged men which I was going to be introduced to them.

Q Were you in fact introduced to them?

A No, sir, I don't want to be exposed to everybody that came along.

Q Did you in fact have a meeting at that time in the Ramada Inn?

A Yes, sir.

Q Where was that?

What city was that Ramada Inn in?

A On U.S. 1 over here in Miami, when you go to Homestead.

Q Here, within Dade County?

A Yes, sir.

Q What was discussed, sir, at that meeting?

A Okay. Jaime Guillot--

THE COURT: May I just, for the sake of clarification and not to take sides, how many people were at this meeting you are talking about?

THE WITNESS: There was just, since I told him I didn't want to meet--

THE COURT: Just how many people.

THE WITNESS: Only two.

THE COURT: Who were they?

THE WITNESS: Jaime Guillot and myself.

THE COURT: Go ahead.

BY MR. MERVIS:

Q What was discussed by Jaimi Guillot and yourself?

MR. SANFORD: I have to object to the form. What was discussed, may we have a question and answer? Who said what?

THE COURT: Overruled.

THE WITNESS: We discussed, Jaimi explained to me that we could use Cuba as a point to stop, and I told him I am not going to get somebody--how am I going to get somebody to go to Cuba, it is a Communist country and most of the people work with me are Cubans and it is going to be kind of hard for them to go into Cuba.

BY MR. MERVIS:

Q What did he say to that?

A He said, think about it, and he told me that other money--all the money we could make.

Q How much money did he say you could make?

A Millions of dollars and he told me that we would meet again, that he had everything already in Colombia to send a boatload and I told him I was willing to bring it, the boatload, that it was just the fact of going into Cuba. So he said, think about it, and if you are willing to go into Cuba we will do it through Cuba. If not, we can do it some other way. The next day we meet.

Q Where did you meet the next day?

A In an apartment down here by the Northwest section, about 167th, was an apartment owned by a guy named Mel.

Q Do you know Mel's last name?

A No, sir, I don't remember.

Q And who was present at that meeting?

A It was--well, Cortez drove me over there.

Q The individual you referred to as Cortez, do you see that individual in court today?

A Yes, sir.

Q Would you please identify him?

A It is behind that attorney over there.

Q Could you tell us what he is wearing?

A Okay. He has got a green jacket, Army jacket.

Q How long had you known Cortez?

A About four years.

MR. MERVIS: Your Honor, will the record please reflect that the defendant, Alberto Cortez, has been identified.

THE COURT: All right. You can proceed.

THE WITNESS: It was--

THE COURT: What is the next question, please?

BY MR. MERVIS:

Q You say Cortez, Mr. Cortez drove you to that meeting.

Did he in fact go into that meeting?

A Yes, sir.

Q At that time?

A Yes, sir.

Q So now who was present at that meeting at Mel's apartment?

A Mel, Cortez, myself and Jaime Guillot.

Q Could you tell us who said what at that meeting?

A Well, me and Jaime discussed the facts of marking the maps, the charts on where we were to meet the mother ship. And we marked Guinchos Cay, we were to meet at Guinchos Cay.

Q Now, where is Guinchos Cay located?

Can you just tell us approximately without leaving the witness stand?

A About 20 miles off of Cuba.

MR. MERVIS: Your Honor, could the witness now leave the witness stand and approach that map?

THE COURT: All right. If you speak up when he is down there.

BY MR. MERVIS:

Q Sir, could you just approach Government Exhibit 1 and show the members of the jury approximately --just point to Guinchos Cay at this point?

A (Witness complies.)

MR. MERVIS: Would the record please reflect, Your Honor, that the witness has at this point pointed to an island called Guinchos Cay?

THE COURT: Okay.

BY MR. MERVIS:

Q So-- Sir, you may return to the witness stand.

What else did Jaime Guillot say

concerning the routes that would be taken?

A. It wasn't much more said, just that he was going to go back to Colombia and get everybody ready, that I was supposed to get everybody ready down here.

Q. What was your responsibility to get ready?

A. Well, get the boats, get the captains to go on the boats, get the place to put the merchandise once it was brought in this country and get the people who will buy the merchandise.

Q. What role in that was assigned to Defendant Cortez?

A. First I asked him to go in one of the boats.

Q. What did he say?

A. He didn't want to go in one of the boats, since he was on probation and parole.

MR. SANFORD: Objection, Your Honor. I would like to reserve a motion.

THE COURT: All right. You can proceed. I understand what you wish to bring forward.

Go ahead.

BY MR. MERVIS:

Q. What role was given to Defendant Cortez?

A Well, he was to, once the speedboat was purchased in this country, he--each one of the boats will get ahold of him and he would--

MR. SANFORD: Object to the question, and the form of the answer.

THE COURT: Your objection is very well taken. You can tell him what was said in the room as to whom and who said what, but not what role was assigned, Counselor.

BY MR. MERVIS:

Q Sir, staying with the meeting, what did Cortez agree to do, if anything?

A He was to work with me.

MR. SANFORD: Same objection, Your Honor.

THE COURT: Counsel, let's make it before the answer, please. The objection is sustained. You will have to do something than ask for matters of conclusion, Counselor. Ask the question again.

BY MR. MERVIS:

Q Sir, what did you discuss with Defendant Cortez as to what he was going to do?

What did you say to him and what did he say to you?

A I told him that I wanted him to go in one of the boats and he said--

Q I understand that you already said he did not.

Did he tell you what he was willing to do?

A Not really, sir. He was willing to make money.

MR. SANFORD: Objection, not responsive.

BY MR. MERVIS:

Q Did he say that to you, sir?

A Yes, sir, he was willing to work. He wanted to work.

THE COURT: The question was, did he say that to you?

THE WITNESS: Yes, sir.

THE COURT: All right. Go ahead.

BY MR. MERVIS:

Q Was anything else discussed at this meeting at Mel's apartment?

A No, sir.

Q Sir, now, were you also asked in reviewing the photographs, whether you could identify a picture of the Defendant Cortez?

A Yes, sir.

Q And did you in fact make an identification?

A Yes, sir.

Q Could you please just read the number of that photograph?

MR. SANFORD: I object. He has identified him in court. This is superfluous at this point.

THE COURT: Overruled.

THE WITNESS: No. 23.

THE INTERPRETER: What number, please?

THE WITNESS: 23.

BY MR. MERVIS:

Q Sir, were any other plans discussed, telling us who said what at the meeting at Mel's apartment?

MR. LICHTER: Asked and answered, Your Honor.

THE COURT: Well, he can answer it if he can.

THR WITNESS: Would you repeat the question, sir?

BY MR. MERVIS:

Q Were any other plans discussed, telling us who said what at the meeting at Mel's apartment?

A No, sir.

Q What happened next, sir?

A Well, we left, and while we were on our way I asked Cortez, too, if he could find a captain, a boat captain, and he said he could.

Q Did he tell you who he could find?

A He didn't mention the name, sir.

Q Now, after this ride back, what happened next in furthering this agreement?

A First of all I had the money to find those boats.

Q How much was it going to cost?

A Well, normally I do--

THE COURT: No, no, he wants to know about this one.

MR. MERVIS: I am sorry?

THE COURT: He is about to tell us normally to do something, and you want to ask him a question again, please?

BY MR. MERVIS:

Q The question was, how much was this going to cost? How much had you estimated it was going to cost?

A Forty to fifty thousand dollars.

Q Where were you going to get that monev?

A I had to get all the people involved so they will participate on the profit.

Q Did Jaime Guillot give you any money?

A No, sir.

Q And do you know why?

Did he tell you why?

A He didn't have any money, either, sir.

Q And did he tell you why he did not have any money?

A He just told me he didn't have any money.

Q Tell the members of the jury what you did in going about to get other people involved in this.

A I met a friend of mine in a Ford and I asked him this, I could give him half of my profits, looking for--

Q Who is that person?

A Carlos, if he financed the operation and he agreed to financing the operation for half of the profits.

Q What was his half expected to be?

A It may be $750,000 according to the quantity.

Q What did you do then, sir?

A Since I already had who was going to provide money, I asked--I told Cortez if he could get the boat captains and we arranged to a meeting for this captain and Carlos, myself, at my house.

Q When did this meeting take place?

A Been about the middle of July, 1980.

Q And who was present at that meeting?

A Myself, Cortez, Carlos, he also brought two guys with him that he wanted to send.

Q Did you know those two individuals?

A No, sir. They were Carlos' people and Carlos brought Jose Luis with him, which was the boat captain.

Q Now, the individual you referred to as Jose Luis, do you see him present in court today?

A Yes, sir.

Q Could you please indicate him?

A He is right there, got a brown jacket on.

Q Your Honor--did you know him by any other name other than Jose Luis?

A No, sir.

MR. MERVIS: Would the record reflect that the Defendant Jose Domingo Martinez-Valdes has been identified.

THE COURT: There appears to be no objection to that.

BY MR. MERVIS:

Q Just for clarification, what number seat is Jose, the individual that you have identified as Jose Luis in?

A No. 3.

Q 3, in the aisle?

A Yes, sir.

THE COURT: Go ahead.

BY MR. MERVIS:

Q Sir, telling us who said what, please describe what was discussed at that meeting?

A Well, we had this chart, it was previously marked by me and Jaime and we discussed what was to be done and Luis asked me how much I was going to pay him for this trip and I told him $150,000.

Q What did he say in response to that?

A He agreed.

Q Sir, in the pictures that you were shown, were you asked to identify Jose Luis, the person that you have identified here as Jose Luis?

A Yes, sir.

Q Were you asked in the photographs to identify an individual, the individual who you have identified here as Jose Luis?

A What you are saying is you want me to get his picture now?

Q Yes.

A What you are saying, No. 11.

MR. MERVIS: And that, for the record, is from Exhibit 2.

THE COURT: All right.

BY MR. MERVIS:

Q Sir, was anything else discussed concerning what had to be done at the meeting with Jose Luis?

A Me and Jose Luis discussed, all of us discussed how it was going to be done. He come up with some ideas.

Q What ideas did Jose Luis--

A He will go from Miami to Bimini, refuel in Bimini and from Bimini at Williams Key by Andros and from Andros he will go to Guinchos Key.

Q Did you accept that idea?

A Yes, sir.

Q Was anything else discussed at that meeting, sir?

A If he could take another guy that he had, he was working on a boat, and the guy was working with him over there, and I told him I don't opposing him take another crew member, since he was going to be the one on the boat.

Q And did he state the name of the crew member that he was going to get?

A No, sir.

Q What occurred next, sir?

A He told me that--

Q He, being whom?

A Jose Luis, he told me that they also, if I needed a boat he knew where this boat was for sale and I told him we were going to go see it the next day.

Q What happened the next day?

A The next day we went to see the boat.

Q What was the name of that boat, sir?

A The RICKY VI.

Q Could you please describe that boat?

A It is a 38-foot boat, sort of a yacht, wood boat, pleasure boat.

Q Now, did you ultimately purchase the RICKY VI?

A Yes, sir.

Q And do you know who you purchased that boat from?

A It is a guy from Hialeah, I think his name was Lopez.

Q How much did you pay?

A The last name.

Q How much did you pay for that boat?

A $16,000.

Q Where did you get that money?

A. From Carlos.

Q. After purchasing the RICKY VI, what did you do next?

A. We took him out, or Jose Luis took him out for a test and we found out one of the engines was not operating good enough, so he had a friend that was a mechanic and he brought the mechanic and we rebuilt the engine.

Q. How long did that take?

A. Took us about three days, sir.

THE COURT: Now, Counselor, for the sake of being helpful here, who is this he that this man is now referring to?

MR. MERVIS: Just now, Judge, it was the mechanic, I think.

THE COURT: Before that.

MR. MERVIS: Let me ask the witness. I think it was Jose Luis, if I may.

THE COURT: Well, that is, he said he got some money from somebody and he gave this name, didn't he? What name did he give?

BY MR. MERVIS:

Q. Okay. Who would give you the money?

A. Carlos.

THE COURT: And after that he began

talking about a he, some he's, and I simply remind you that there are a lot of names here and it would be a lot easier for the jury if this gentlemen, rather than saying "he" insofar as possible use somebody's name.

The last name I heard was the word "Carlos" and maybe somebody else heard other names, but I didn't. I am not at all sure that the jury knows who he is talking about and when he says he had gotten a mechanic and he did so-and-so.

MR. MERVIS: Judge, that was my--would be my fault, then.

THE COURT: I am just making that suggestion for everybody's benefit.

BY MR. MERVIS:

Q Sir, after purchasing the RICKY VI, let's go back.

What was done with the RICKY VI, first?

A Jose Luis took it over for the test.

Q By Jose Luis, you are referring to that defendant, the third in from the aisle whom you previously identified?

A Yes, sir.

Q Jose Luis was the only name you knew him by?

A Yes, sir.

Q. Jose Luis took him out, took the vessel out to do what?

A. To test it, make sure the boat was running in good condition.

Q. And what was determined from that test?

A. One of the engines was not working right.

Q. And what had to be done to the boat?

A. Well, Jose Luis told me he had a friend who was a mechanic and told him to call a mechanic and he called the mechanic and we had to rebuild the engine.

Q. After that engine was rebuilt, what happened?

A. I had to look for another boat, sir.

Q. How many boats were needed to make this trip that was in the planning stages?

A. Okay. We needed two bigger boats to go from Guinchos Key to the point where they will meet the speedboats, sir.

Q. Tell the members of the jury at this point, they were going to meet the speedboats, what was supposed to occur?

Why were they going to meet the speedboats?

A. Because we were not to bring the drugs into this country on this particular two boats. We were just going to use the two boats from one point to another point which is from Guinchos Key into a point called Riding Rock and over there we would divide it up by small quantities and put it up on the speedboats.

Q What drugs at this point are you talking about bringing in?

A Quaaludes, sir.

MR. SANFORD: How many boats--

BY MR. MERVIS:

Q When you are referring, sir, to bringing in drugs at this point, what was the plan in terms of what drugs were being brought in?

A Ten million quaaludes, sir.

Q After repairing the RICKY VI, were you able to find another boat?

A Just a day when they are leaving in the morning we sort of in a hurry, so we found another boat, sir.

Q Do you recall the name of the other boat?

A No, sir.

Q After obtaining the other boat, tell the members of the jury what happened next.

A Well, Jose Luis, Jorge Llerena and El Cori, which is Jose Luis, is the older person that Jose Luis was talking about the first day I met him.

Q Sir, let me just stop you right there.

Do you see the individual who you referred to as Jorge Llerena here in court?

A Yes, sir. He is the last one on the first, he is the last one down here.

Q Could you tell the members of the jury, just tell us what he is wearing.

A He has got a sort of a light jacket on, sir, beige, not jacket, light color.

Q Sweater?

THE COURT: May I suggest that you follow the course you followed a while back? You have some numbers for these people from where they are sitting. One of them is the third from the aisle. Would you think about that possibility?

BY MR. MERVIS:

Q All right, sir. Using that, then, how many from the aisle?

A Number five, sir.

Q Sir, in the photographs were you also asked to identify Jorge Llerena?

A Yes, sir.

Q Did you in fact identify a photograph of Jorge Llerena?

A Yes, sir.

Q Could you please tell the members of the jury what number photograph that was?

A Number twenty.

MR. MERVIS: Judge, would the record also reflect that the Defendant Jorge Llerena has been identified by the witness?

THE COURT: All right.

BY MR. MERVIS:

Q Now, sir, you also mentioned that an individual known to you as El Cori was present aboard the RICKY VI, is that correct?

A Yes, sir.

Q Do you see that individual here in court?

A He is number two on the aisle, sir.

Q And were you also asked--would the record please reflect that the Defendant Cornelio Ramos-Valladares has been identified?

THE COURT: All right, sir.

BY MR. MERVIS:

Q Were you also asked to identify the individual known to you as El Cori in those photographs contained within Exhibit 2?

A Yes, sir.

Q And what number was that individual known to you as El Cori?

A. He is number seventeen, sir.

Q. Now, sir, tell the members of the jury what Jose Luis, the person known to you as El Cori and Jorge Llerena, what exactly did they do?

A. They were to go from Miami to Guinchos Cay, meet with the mother ship which was the Colombian boat that was the main boat bringing in the methaqualone pills. They were to make contact with the boat and load merchandise into the RICKY VI.

Q. Did you actually see the RICKY VI leave?

A. Yes, sir.

Q. Were those individuals, did you see them aboard this vessel as it left Miami?

A. Yes, sir.

Q. Where was their first--where was it heading to? The point of land, first.

A. First to Bimini.

Q. At this time, sir, did you know the name of the mother ship that you were supposed to meet?

A. Yes, sir.

Q. What was that name?

A. MONARCA.

Q. And how did you come to learn that name?

A. Jaime Guillot told me that would be the name of the boat.

Q When, approximately, did Jaime Guillot tell you that would be the name of the boat?

A The first day we met in--I mean, the first day we marked the charts, he told me the name of the boat.

Q Would that be back at the meeting at Mel's house?

A Yes, sir.

Q Now, had you told Jorge Llerena, Cornelio Ramos, that is El Cori, and Jose Luis what their route was?

A Sir, we knew it because when we--

THE COURT: No, no. I want you to answer the question that is asked, now, please. That is important. Ask the question again, please.

BY MR. MERVIS:

Q Had you told them the route?

A May I explain?

THE COURT: No. We want you to tell us first whether or not you told them this route.

THE WITNESS: No, sir.

THE COURT: All right.

BY MR. MERVIS:

Q To your knowledge, did they know the route that was to be taken?

A Yes, sir.

Q And how so?

A I just told them the place where we were to meet the Colombian boat. The route was discussed bv me and Jose Luis.

Q When was the route discussed between you and Jose Luis?

A The first day that I met Jose Luis, sir.

Q Now, what happened, first of all did the other boat that you referred to, did that leave with the RICKY VI?

A Left about an hour after, sir.

Q Where did that boat leave from?

A From Tony's Marine, sir.

Q Where is Tony's Marine located?

A On the Miami River.

Q Who was aboard that other boat?

A The captain of the boat was a guy named Jose Prieto.

Q Where was that boat supposed to go?

A The boat supposed to meet the RICKY VI in Bimini, since it was leaving sort of within an hour a delay, and it was supposed to follow up the RICKY VI.

Q And now from Bimini there was--what was the plan as to where they were supposed to go?

A. They were to go to Williams Key and from Williams Key to Guinchos Key.

Q. What happened after those vessels left Miami, sir?

A. Two days later I left with three speedboats with route to Bimini and Bimini to Riding Rock, sir.

Q. And who was aboard the three speedboats that you left upon?

A. Both myself, guy by the name of Luis Blanco, Clemente and each one of those boats that was two other persons that were the guys that owned the boat or ones that worked for the people that owned the boats, sir.

Q. Did you know those other people?

A. I knew the guy that brought them to me, sir.

Q. And who had brought them to you?

A. Guy by the name of George.

Q. Do you know George's last name?

A. No, sir.

Q. Now, what were you going to do with those three speedboats?

A. We needed more boats, but those boats were to bring some of the--some of the--some of the drugs in.

Q And what happened when you arrived in Bimini?

First of all, can you tell--strike that.

Could you tell us approximately when you arrived in Bimini?

A We left here like 5:00 o'clock in the afternoon, between 4:00 and 5:00 o'clock and we arrived down there about 6:30, 7:00 o'clock, sir.

Q Now, before the RICKY VI--

MR. NEGRETTI: We need the date. He said 5:00 or 6:00 o'clock. What date?

BY MR. MERVIS:

Q If you know, approximately when, sir?

A It was in July, the month right after July, sir.

Q Do you know what month that is?

A August.

It has been almost three years and it is-I can't remember everything just day-by-day.

Q Prior to these boats leaving, had you disc[illegible]d with any of these participants up to this point any entry into Cuban waters?

A I suggested to the fact that if we had to go into Cuban waters--

MR. SANFORD: Objection. Who is he talking about?

THE WITNESS: I suggested it to Jose Luis, sir, since he was the captain of the boats, sir.

BY MR. MERVIS:

Q What did you tell him, approximately when and where, if you recall?

A On the first meeting I suggested that if we had to go into Cuba that it was okay to go, that the Cuban officials were--been paid off.

Q And what did the defendant known to you as Jose Luis say to that? Do you recall?

A Told me he didn't want to go into Cuba, sir.

Q Now, you left en route to Bimini.

What happened when you arrived in Bimini?

A We needed--I needed more boats, more speedboats, and was another four speedboats there, sir, and one of the guys who were pilot this boat knew them, so I asked--

Q Which, I am sorry, which guy knew them?

A I don't remember his name, sir.

Q One of those you did not know?

A Yes, sir.

Q And what happened?

What did that person do?

A. He called these guys and these other four boats, spoke with the pilots of these boats and I told them how much they were going to get paid, since they didn't knew me, they asked me how they going to get paid and I said you just take it off the merchandise and, you know, the value, and you just give me the rest.

Q. Did you know--what did you tell them, these other individuals as to how much they were going to get paid?

A. What they are going to get paid, $50,000 for each boat, sir.

Q. Did they agree to join with you?

A. Yes, sir.

Q. And what happened then?

A. We all left to Riding Rock.

Q. Now, when you say you all left, does that include the RICKY VI?

A. No, sir. The RICKY VI was already supposedly, was supposed to be in Guinchos Key making contact with the Colombian boat, sir.

Q. What about that other boat that left with the RICKY VI?

A. Should have been with the RICKY VI, sir.

Q. And had those boats arrived as scheduled, what was the RICKY VI and the other boat going to do?

A They were going to pick up the merchandise off the Colombian boat, come to Riding Rock and we were to be there with the speedboats, we were going to put the merchandise on top of the speedboats and then the speedboats will--will come in with the drugs, while the RICKY VI and the other boat were--will come in with no merchandise aboard.

MR. MERVIS: Your Honor, may the witness step down again and go to the map and show these points?

THE COURT: Yes, but before we do that we will take a short recess. We have been working Mrs. Featherstone pretty hard today.

Ladies and gentlemen, you can go back to your room. Remember you are not to discuss the case among yourselves.

[Thereupon, a short recess was taken.]

THE COURT: All right. Shall we begin?

Bring them in, please.

MR. SANFORD: Your Honor, I--

THE COURT: I thought there might be something.

What is it?

MR. SANFORD: I reserved a motion earlier. Could I--should I bring it up at this point?

THE COURT: No, sir. We will go ahead for a while and take it up after the jury goes home.

Bring them in, please.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

MR. MERVIS: May I proceed, Your Honor?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Sir, I asked you to approach this map and with the Court's permission, if you would please remember to keep your voice up as you do that and if I may, let me hand you this marker and upon that overlay would you please indicate to the members of the jury, first of all, where Bimini was--where you just told us you had been and obtained those other speedboats.

A (Witness complies.)

Right there, sir.

Q Please keep your voice up.

A This is here, sir.

Q Let the record reflect that you indicated a circle.

Could you please mark that as 1?

A (Witness complies.)

Q Where is--or as B.

Now, sir, you mentioned that the plan was for the RICKY VI to be at Riding Rock, is that correct?

A. Yes, sir.

Q. Would you please circle that for the members of the jury?

A. (Witness complies.)

Q. And could you put an R there?

A. (Witness complies.)

Q. Now, what was the plan for what those vessels were supposed to do at Riding Rock?

A. They were to come to Riding Rock, once they picked the merchandise, the methaqualone pills over in Guinchos Key.

Q. Please mark Guinchos Key. Put a G by it.

A. (Witness complies.)

Q. Now, sir, as you left from Bimini, where did you go?

A. We came to--went to Riding Rock, sir.

Q. Did you find the RICKY VI and the other vessel there?

A. No, sir. We waited there two nights and one day.

Q. Did the RICKY VI and the other boat ever arrive?

A. No, sir.

Q. What did you do then?

A. Came back to Bimini and Carlos and I and Clemente decided that Carlos was going to rent an airplane and he was going to fly over this area here to see if he could see any trace of the RICKY VI or the other boat.

So, he left that morning.

Q. You referred to "he" again.

A. Carlos.

Q. Did Carlos in fact rent a plane?

A. Yes, sir.

Q. And he left?

A. And flew over the area that--that they should have followed to go to--

MR. SANFORD: Object. I do not think he would know what Carlos--

THE COURT: Counsel, just a minute. I would appreciate it, gentlemen, and I'm not trying to be difficult, if your objection would be something like, obviously based upon hearsay evidence or something. How would he know so-and-so, makes it easier for me to get my job done.

MR. MERVIS: May I just withdraw that and proceed?

THE COURT: I wish you would.

Can we have your witness sit down as soon as it is feasible for him to do it?

MR. MERVIS: Yes. As a matter of fact you can sit down right now, although, Your Honor, I will advise the Court that I am going to ask the Court's indulgence for him to come to this map again.

THE COURT: That is fine, as long as while he is there he is necessarily there. That is all. All right.

BY MR. MERVIS:

Q Sir, did you actually fly with Carlos?

A No, sir.

Q At some point did he advise you what--did Carlos advise you what he had observed?

A Yes, sir.

Q And what was that?

A He told me he observed the RICKY VI on Guinchos Cay, so I decided to go back to Riding Rock, just in case might have showed up in Riding Rock.

Q How long did you stay again at Riding Rock?

A One night, sir.

Q And who went with you that time to Riding Rock?

A. Okay. The first three boats that originally left from Miami decided that they were not going to wait.

THE COURT: Wait a minute. Wait a minute. Ask him the question again.

Who went with you to Riding Rock? Is that the question?

MR. MERVIS: Yes, that is the next time.

THE COURT: How about answering that one for us?

THE WITNESS: Robert G. Clemente, Luis Blanco and four speedboats, each one with the pilots.

BY MR. MERVIS:

Q. Now, you went to Riding Rock and did the RICKY VI arrive?

A. No, sir.

Q. What did you do then, sir?

A. We spent the night there. We went back to Bimini.

Q. And at some point did you receive some information concerning what had happened to the RICKY VI?

A. No, no, sir.

Q. What did you do once again in Bimini?

A. When I arrived to Bimini, we--we were

Brown's Marina in Bimini and I was approached by two gentlemens, they introduced themselves as Guido and Pepe.

Q Pepe?

A Pepe Gato.

Q Pepe Gato.

Now, the individual known to you as Guido, did you know his last name?

Did you know any other name?

A No, sir.

Q The individual known, who introduced himself to you as Pepe Gato, do you see this person in court here today?

A He is number four on the sitting, sir.

Q Number four from the aisle?

A Yes, sir.

MR. MERVIS: Would the record please reflect that the witness has identified Jose Rafael Martinez as also known here as Pepe Gato?

THE COURT: Go ahead, sir.

BY MR. MERVIS:

Q Sir, within the photographs that you were shown, Government Exhibit 2, were you asked to identify the photograph of the person known to you as Pepe Gato?

A He is number nineteen, sir.

Q Now, sir, telling the jury who said what, to the best you can, tell the members of the jury what Guido and Pepe Gato said to you in Bimini.

A Told me that I was having--

Q Who said what, first of all, if you know?

A Guido told me if I was having problems that they had a boat and a crew available, that if I needed them they were willing to help or to go to work and I, since I didn't knew them, I kind of held back a little and I told them I say I don't have no problems and I don't need nobody.

Q Did Pepe Gato say anything to you at that time?

A He told me, "Well, just in case you need us, we are over there, that boat over there," and he pointed me to the boat.

Q Did you later learn the name of that boat?

A Yes, sir.

Q What was the name of that boat, sir?

A LAZY LADY.

Q Please describe for the members of the jury the LAZY LADY.

A It is the sort of a pleasure boat,

between 38 and 42 feet, blue and white.

Q Now, sir, you told us that you didn't know them.

What did you do in response to that offer?

A I walked away, as I said before, because I didn't know them and I told Carlos knew them, what had happened, so I decided to go back out that same night, back to Riding Rock with Clemente and Luis Blanco and the four speedboats.

We spent that night in Riding Rock and while we were there and we see the RICKY VI never showed up, me and Clemente, myself and Clemente discussed the fact of maybe finding who these people were, see if we could use their boat to find out what was going wrong or what was happening to the RICKY VI, didn't show up. So we came back to Bimini and when we came back, Carlos was there and I asked Carlos if he knew anything about these people and Carlos told me they were okay.

Q In response to--what did that mean to you, when Carlos said they were okay?

A That means to me, sir, that I could trust them with what I was doing.

Q What did you do then in response to that?

A I approached Guido and Pepe Gato.

Q Where did this occur, now, after it was--how many days after coming back into Bimini?

A Same morning that we came back, sir.

Q What happened when you approached Guido and Pepe Gato?

A They called another gentleman by the name of Frank Bonilla to show me the boat, to discuss what is it we were going to do it, to do, and what they have to do.

Q Do you see the person known to you as Frank Bonilla in the courtroom?

A Starting from over here, he is the second one, sir.

Q Starting with the right side, the second one?

A Yes, sir.

Q In the brown knit shirt?

A Brown shirt and beige jacket, sir.

MR. MERVIS: Your Honor, would the record please reflect that the witness has identified Hector Gonzalez-Quinones, also known as Frank Bonilla?

THE COURT: All right, sir.

BY MR. MERVIS:

Q Sir, once again referring to that photo album, Government Exhibit 2, were you asked there to identify a photograph of the person known to you as Frank Bonilla?

THE COURT: Repeat the question for him, please. He is--

BY MR. MERVIS:

Q Sir, were you asked, first of all, to identify a photograph of the person known to you as Frank Bonilla?

A Yes, sir.

Q Did you in fact identify a photograph?

A Yes, sir.

Q Please tell the members of the jury what number photograph you identified.

A Number 31, sir.

Q Now, sir, when you went back, then, and met Frank Bonilla, what happened?

A I went aboard the boat which the name was the LAZY LADY, I mean, me and Clemente did. We looked at the boat just to see if the boat was in good condition or was suitable for what we wanted it for and I explained them what was the purpose of us going down to Guinchos Key, locate this boat. We put half the load on the LAZY LADY and come back to Riding Rock.

Q Did you explain to him what the load was?

A Yes, sir.

Q What did you tell them the load was?

A Methaqualone pills, sir.

Q And did you arrange with them final arrangements?

A I told them how much they want to make and they said, "Let's see--"

MR. NEGRETTI: May I ask--

MR. MERVIS: I understand the objection.

BY MR. MERVIS:

Q Sir, please try to tell us who said what.

A I asked Frank Bonilla and Guido and Pepe Gato how much money was it they wanted to make and they said--

Q No. Could you please tell us who said what to the best you can, sir?

A Okay. Sorry. I am sorry. Frank Bonilla said there is no sense in discussing how much money they were going to make, to wait until we had finished, and just to pay them good, sir.

Q Was Pepe Gato present?

A Yes, sir.

Q When the conversation took place?

A It was Pepe Gato, Frank Bonilla, Guido and another gentleman, sir.

Q Who was the other gentleman?

A He is not in here and I don't remember his, a name. He is Frank Bonilla's employee. He used to work on the boat, sir.

Q What happened then after those arrangements were discussed?

A Myself and Clemente got off the boat and we told them that we were going to go back in sort of half an hour and when we got back it was another gentleman there by the name of Mario Estevez.

Q What happened then?

A Frank Bonilla, if we could take the guy along which was Mario Estevez, and I asked him what do we need another guy for and he said well--

Q Frank Bonilla said that?

A Yes, sir, he said Mario knows the water and knows how to navigate better than I do, so he will be of good help. And he also knows also sort of a mechanic.

Q So--

A Agreed on taking Mario Estevez along, sir.

Q What happened next?

A We got fuel, said since we were going to need extra fuel, we went and bought some 55-gallon drums and we put them on the boat and we got all the extra fuel and we got all ready to leave and we left that day right around 3:00 o'clock in the afternoon, sir.

Q And you left, now, from Bimini, and where were you heading?

A Okay. We were to go to Riding Rock, take course to Williams Key and then go to Guinchos Key, sir.

Q And who left aboard the LAZY LADY that following day?

A Myself, Robert G. Clemente, Mario Estevez, Frank Bonilla, Pepe Gato, Guido and the other guy, which I don't remember his name, sir.

Q Sir, let me ask you as you left on the ship named LAZY LADY, were you carrying a gun?

A No, sir.

Q Now, what was the route that you took as you left from Bimini?

A We went to Riding Rock and from there we went to Williams Key, sir.

Q Did you take a--did you have to go by the Andros Islands at that time?

A Yes, sir, which Williams Key is right next to Andros Island, sir.

MR. MERVIS: Judge, could he please indicate where Williams Key is? Sir, would you please step up to the map?

* * * * * * *

BY MR. MERVIS:

Q Looking at Government Exhibit 1, could you please indicate with a W, Williams Key?

A (Witness complies.)

Q Did you in fact go to Williams Key?

A Yes, sir.

Q How long did that trip take from Bimini?

A Took us about a whole total of 12 hours, sir.

Q 12 hours. And once arriving at Williams Key, what did you do?

A We were running short of gas and we decided to come up to Nicholstown on Andros.

Q Could you please put a circle around Nicholstown and mark it with an N?

A (Witness complies.)

Q Now, sir, up until this point on the LAZY LADY with the individuals that you mentioned, had you told them anything about going into Cuban waters?

A No, sir.

Q You went to Nicholstown, and what did you do in Nicholstown?

A May I explain, sir?

THE COURT: No. You just tell them what you did in Nicholstown.

--

BY MR. MERVIS:

Q Going back, then, was there some reason you did not tell them about going into Cuban waters?

A No, sir, that wasn't what I was going to explain.

Q Go ahead. Just tell us what happened in Nicholstown?

A Before we got to Nicholstown, we run out of gas.

Q Where was that, approximately?

A Approximately about over here, sir. (Indicating)

Q What did you do then?

A Next morning we seen some Bahamian guys on a small boat came by and asked if we had any problems. We told them we had run out of gas and they went back and got us some gas. We got the fuel and went to Nicholstown. We went in the dock and I knew some Bahamians over there.

Q Do you remember their names?

A One of them, his name is Hank, and I knew he had some small boats and I asked him for help and I explained to him what I was doing down there and he provided me two boats and I--from there I went to Nicholstown. I went to a hotel there so I could make some phone calls.

Q That hotel was located in Nicholstown?

A No, sir, it is located in Morgan's Bluff.

Q Would you please show us where Morgan's Bluff is?

A (Witness complies.)

Q Would you please take a seat?

Now, did you in fact check into a hotel on Morgan's Bluff?

A Yes, sir.

Q And how long did you stay there?

A About three days, sir.

Q Did you make some telephone calls that pertained to this trip?

A Yes, sir.

Q And with whom did you speak?

A I called my house, sir, to see if I had any messages and Jaime Guillot had called and I told my wife too, that I was going to call him.

I called Jaime Guillot.

Q Where did you call Jaime Guillot?

A I called him in Colombia, sir.

Q Did you in fact speak with him?

A Yes, sir.

Q What was the conversation?

A. He told me that he refers to our friends which is the Cuban Government, sir.

Q. Now, sir--

MR. SANFORD: Objection, Your Honor.

MR. MERVIS: I am going to clear that up.

THE COURT: All right. Clear it up.

BY MR. MERVIS:

Q. The exact words Jaime Guillot used was, without telling us what you think he may have referred to.

A. I asked Jaime Guillot what had happened, that if he knew anything, because when I called my house I was informed that one of the boats was, which was the one that Jose Prieto was captain on had been arrested by the Bahamian authorities for carrying a weapon and that they didn't knew nothing about Jose Luis or the RICKY VI, so I called Jaime, then, and Jaime told me that our friends had his boat, but they were going to put it over in Guinchos Cay in two days.

Q. Now, had you ever heard Jaime Guillot use the expression, "our friends," before?

A. Yes, sir.

Q. And when was that?

A. At the first meeting on the Ramada Inn, sir.

Q And what had he used the expression "our friends" to refer to?

A If it was to have any conversations between him and myself we were to use the words "our friends," as the Cuban officials, sir.

Q And at that time did you know what if any Cuban officials by name?

A At that time, no, sir.

Q Now, Jaime Guillot told you that your friends had the vessel, that it was to arrive at Guinchos Cay in two days and anything else?

A Two days after my conversation I told him that I was--I was to go there personally because I had not heard nothing from the RICKY VI and that I wanted to find out what was going wrong or something that were okay.

Q What did you do then, sir?

A We hung up and I asked Hank if I could use his boat and if I could use Andros, because I decided to change the route, instead of going to Riding Rock we were to go to Andros.

Q Why was that?

A Because if we was having problems with the boats it would more secure to put the merchandise in Andros, what we could keep it there for a long period of time if we had to, sir.

Q Was there anything about a route through the Andros Islands that made them more secure?

A Well, the coast, the U.S. Coast Guard cannot travel to--right around Andros because it is all shallow waters, sir.

Q Could your boat make it through those shallow waters?

A Yes, sir. The smaller boats and they don't take that much water to go by, sir.

Q Now, did you in fact leave going through the Andros Islands?

A Yes, sir.

Q With the LAZY LADY?

A Yes.

Q What boats were--and the vessels you were taking then?

A LAZY LADY, 32-foot Sea Ray and an Open Fisherman.

Q On the LAZY LADY, had anyone from the crew you told us about left the LAZY LADY?

A Myself and Robert G. Clemente went aboard the Sea Ray with Hank.

Q Who was left, then, on the LAZY LADY at that time?

A Mario Estevez went aboard the Open Fisherman so left Frank Bonilla, Guido, Pepe Gato and the other guy. Also I took two Bahamian guys, the ones that find us when we didn't have gas and I told them that I going to let them make some money for taking the gas to us and if they wanted to go and they agreed. So I took them along, sir, and they went aboard the LAZY LADY.

Q So there were three boats altogether now?

A Yes.

Q The LAZY LADY and the Open Fisherman and the Sea Ray?

A Yes.

Q Where did you go?

A We left the LAZY LADY in Nicholstown and the Sea Ray was over in Morgan's Bluff, so all met in Morgan's Bluff, the three boats did, and we all took the same route where we could see one another and as we are going along we had had engine trouble with the Sea Ray, so we came into a town which I don't really recall the name, but I could remember it was Congotown or something like that, where is the Coast Guard Base or a Navy Base or Bahamian Government next to it, over there the three boats went in.

Q Was this Andros Island?

A Yes, sir, and Mario Estevez and we all suggested that Mario Estevez was going to go up ahead and to Guinchos Key. Mario Estevez and the guy by the name of Jeff, he is a Bahamian, were to go to Guinchos Key to see if he could find the RICKY VI there and let them know that the mother ship was going to go there in two days from the time I spoken with Jaime, so they left and was Mario, Robert G. Clemente and Jeff left and I remained there that night at--until about 5:00 o'clock in the morning.

Q What did you do next, then?

A I went aboard the LAZY LADY and myself, Frank Bonilla, Pepe Gato, Guido, the two Bahamians and this other guy went en route following the coast of Andros going down to the tip of Andros.

We made two more stops to refuel and the last stop Mario had come back and I didn't see Clemente aboard the Open Fisherman so I asked him what happened.

Q You asked Mario Estevez?

A I asked Mario what happened with Clemente and he told me they had been to Guinchos Key and that the RICKY VI had run on top of the rocks or something like that and it was sunk but that everybody was okay. They didn't have enough water to, or food, they left them whatever they had on the--on the Open Fisherman and

Clemente decided to stay with them over there until we got there.

Q Did Mario Estevez tell you where in fact they had run up on the rocks?

A In Guinchos Key, sir.

Q What happened next then, sir?

A I decided to leave the Open Fisherman there, sir, when we continued on our trip. Everybody, Mario Estevez, myself, Frank Bonilla, the two Bahamians, Guido, Pepe Gato and the other guy aboard the LAZY LADY going towards Guinchos Key.

When we got close to Guinchos Key we run into--one of the engines ran into trouble and we were facing Cayo Parendon Grande on the front and the left-hand side we got Cayo Frances.

MR. MERVIS: May the witness step back to the map?

BY MR. MERVIS:

Q Sir, please, you just mentioned Cayo Paredon Grande and I cannot say the other one, but if you would, please indicate there approximately where you were when the LAZY LADY began having some engine trouble.

A Approximately here, sir (indicating).

Q Now, up until this point, right there by Guinchos Cay when the LAZY LADY had some engine trouble, had you told Frank Bonilla or any of the others on board the LAZY LADY that you might be entering Cuban waters?

A No, sir.

Q You can return to your seat, now.

Now, the point that you have just marked on the map, about how far was that, approximately, from Cuban waters, as far as you know?

A As far as I know, 16 to 20 miles.

Q What happened then?

A Well, everybody started telling me that Frank Bonilla, Mario Estevez told me that they couldn't find Guinchos Cay, that we were lost, and there we are, one engine was trouble. We got gas, but we don't have enough gas to start traveling around and make it back to Andros, so I said, "Look, we can go into Cuba and we would not have any problems over there because it has been arranged where if it is necessary I can go into Cuba without having problems."

So, Frank Bonilla told me, he says, "If you cannot fix the Cuban Government, I know somebody over there and we could come out of Cuba."

Q And did he give you a name?

A Not at that time, sir.

Q At that time, what did you decide to do?

A. We all discussed the fact about going into Cuba and we decided there was best to go into Cuba, sir.

Q. And how did you make entry into Cuban waters, sir?

A. Mario Estevez stood on the front bridge with a flare and as we are going in we bring the American flag down and bring a Cuban flag up in the air.

Q. Now, had you known there was a Cuban flag aboard that vessel?

A. No, sir.

Q. Did you yourself raise that Cuban flag?

A. No, sir.

Q. Now, had you had to threaten anyone to force them to go into those Cuban waters?

A. No, sir.

Q. What happened as you went into--entered those waters?

A. As we entered into Paredon Grande two gunboats from the Cuban Government came up to us.

We told them we had engine trouble.

Q. Who was doing the talking at this point?

A. Frank Bonilla, sir.

Q. When you told them, what happened then?

A. They got us into Paredon Grande, sir, and they told us to throw anchor.

We threw the anchor in there and then we had a small boat come up with one of those gunboats and the captain in charge of the gunboat, Cuban gunboat came aboard. He asked us, "Is there any guns aboard?"

Frank Bonilla says, "Yes," so he hand him a 357 Magnum, sir, and they took the radios off the boat and they said, "Somebody will be here to talk to you guys and see if you can fix your boat."

Q Sir--

Your Honor, may the witness approach the map and just point out where he was?

THE COURT: Yes, sir.

THE WITNESS: (Witness complies.)

BY MR. MERVIS:

Q Please put the initials of Paredon Grande there.

A (Witness complies.)

Q You may return.

Sir, now, inside Cuban waters, other than the gunboats, did you see any other boats there?

A Yes, sir.

Q Tell the members of this jury what other boats you saw, sir.

A I seen another boat, white boat, steel

--

hull, sort of a cargo boat and I start asking Frank Bonilla and Pepe Gato and Guido, everyone aboard the boat, if they could see the name on the boat, that I had not previously dealt with the boat that we were looking for. And we couldn't really see the name and when we finally got to almost where we could see part of the name we find out that it say a V, and that the name of the boat we were looking for was MONARCA, so I still felt that I--that was the boat, but we just remained in there without really finding out for sure whether that was the boat or not.

Q That steel-hulled boat, did you ever see the name of that boat?

A Yes, sir.

Q And what was the name of that boat?

A See the name of it later on, when I got aboard her, the name was VIVIANA.

Q Within Government Exhibit 2, did you in fact identify a picture of the VIVIANA?

A Yes, sir.

Q Please open that photo album and tell the members of the jury, if you would, if you could show that, pick that up and show the members of the jury which photo that is.

A (Witness complies.)

Q Now, that photograph, does that have a--do you recognize that as the VIVIANA?

A Yes, sir.

Q Does that have a name on it?

A 16, sir.

Q Is that number, does that photograph contain a name?

A Not a name, sir.

Q Now, the next day within Cuban waters on the LAZY LADY, tell the members of the jury what happened.

A At 5:30 in the morning a small boat approaches and we got up and looked, you could see two more boats that was not there the afternoon before. One the name was TRITON, that was one of the names of the boat. The other one I am not sure whether it was PRIMO DE MAYO or MIDI DE MAYO, and when they came aboard they called my name and I was sort of surprised because nobody had left the boat, the boat, and I started wondering how they knew my name.

Q Exactly who came aboard, as far as you knew?

A Some of the Cuban militia, you call military, the Cuban--

Q What name did they call you?

A. David Perez, sir.

Q. The boat you identified or you called the TRITON, would you describe that vessel to these jurors?

A. Yes, sir, 42-- maybe 42, 46-foot yacht, fiberglass, pleasure boat, sir.

Q. And the DIAS DE MAYO or PRIMO DE MAYO.

A. It--one of the boats you would call a shrimp boat, but been converted into a pleasure boat, sir.

Q. Now, after the militia man came aboard the LAZY LADY and identified you by name, what happened?

A. They asked me to go with them, sir, and Mario Estevez stood up and says, "Wherever he goes, I will go."

Q. Did you in fact leave?

A. Yes, sir, me and Mario Estevez left.

Q. And where did you go, sir?

A. We went aboard the shrimp boat or PRIMERO DE MAYO.

Q. And what happened aboard that vessel?

A. I met a Cuban official, guy by the name of Rene Cruz.

Q. How did you know that was his name?

A. He introduced himself, sir.

--

Q Sir, turning to the photo album, Exhibit 2, did you identify a picture of the person you said identified himself as Rene Cruz?

A Yes, sir.

Q And what number was that?

A Number 35, sir.

Q Now, sir, with regard to the identification of Photograph No. 35, did you have some difficulty in making that identification?

A Yes, sir.

Q How so?

A I saw this particular gentleman for two days, and I never seen the man again until the agents give me 93 pictures, so I had to really take some time looking at the pictures and finally recognize him, the person--recognizing the person.

Q Now, aboard that small boat, the PRIMERO DE MAYO or the DIAS--

A I'm sorry, sir, it is not a small boat. It is sort of a 72-foot, sir.

Q Aboard that boat, did you have a conversation with the individual who identified himself as Rene Cruz?

A Yes, sir.

Q Tell the members of this jury what that conversation was.

A. We went to a particular room that that boat had and there was also three more Cuban officials there and Rene Cruz told me that they was expecting us. And he asked me if I was the man looking for that--the boat that I was--says, you see the boat over there, the white boat and I say, "Yes."

He says, "Is that the boat that you are looking for?"

And I say, "It is the boat I am looking for. I am pretty sure, but I cannot recognize that name."

He said, if we had to change its name, different purposes, so we changed that name, MONARCO to VIVIANA.

Q. What else did he say?

A. And we kept on talking and I asked him, "Are we going to be able to leave?" And he said, "Sure. You have no problems and we were expecting you," so we kept on talking, more friendly then, and he suggested that he was in contact with Bogata where he, from Bogata, they were keeping him informed of who I was and what I was doing and he said he told me that they had supplies, he kept on talking to me and finally came to the point where he says if I knew what was aboard the VIVIANA and I said it should be ten million quaaludes and he says, "You know what those pills do?" And I said that they are drugs and he says, "You take that to the United States." And I say, "Yes, sir."

He made a statement saying that he was happy that we were bringing so many drugs into this country, sir, and I told him I was not in it for the drugs themselves, I was in it for the money, that I didn't care about the Cuban Government or their politics, that I just wanted to make money.

Q Now, the other Cuban officials, were you able to identify any of those?

A I know another one of them, sir.

Q Were you asked to identify or take a look at some of the pictures within that photo album?

A Yes, sir.

Q Were you able to make another identification?

A Yes, sir.

Q Of whom?

A Aldo Santamaria-Cuadrado.

Q What was the number of that picture, sir?

A No. 39, sir.

Q Would you please hold up that photograph, No. 39?

A (Witness complies.)

Q Now, within that photograph, No. 39, when you observed it, what was it about that photograph or what was different about Aldo Santamaria?

A I saw him, he had a hat on, sir, and in this picture he does not have a hat on.

Q Did he take part in any conversations with you?

A Most of what he did, sir, was just listen to what Rene Cruz told me and he just listened and said, like saying that everything was okay.

Q Now, after your discussion with Rene Cruz, what happened next?

A We came up to the deck of the boat, sir, and he told me if I wanted to eat, if I wanted Cuban coffee, cigars, anything I wanted, whiskey, he says, "You can have anything you want," and he offered food and we said, "Well, how can we eat? The other guys are not eating hot food," and he said, well, he can't feed everybody and we finally decided to take the food.

He asked us if we had any troubles with our boat, if it was true that we had engine trouble. And we told him yes, so he put a mechanic aboard the LAZY LADY to try to fix the engine.

Q And then how long did you meet with

Rene Cruz on that day?

A I remained there, sir, until we were removed to Paredon Grande, approximately somewhere in Cayo Coco, sir.

Q Would you please approach the map and show us where Cayo Coco is, with the Court's permission?

A (Witness complies.)

Q Was the LAZY LADY moved?

A Yes, sir.

Q Now, what happened after you were moved to Cayo Coco?

A We were moved, we tied the LAZY LADY, since the LAZY LADY, we didn't want to run it, we tied the LAZY LADY behind the boat. I was with Rene Cruz. They told the VIVIANA to start moving, the TRITON went up ahead and two gunboats followed us and, I mean, one to guide us and the other one follow us and until we stop over in Cayo Coco, somewhere in that area.

When we stopped there, Rene Cruz told me if I need fuel he would provide me the fuel.

Q And in fact did the Cuban Government give you any fuel or supplies?

A Well, we--we run into sort of a hurry, because I wanted to make sure before we left there the boat was fixed, and that we had enough fuel to get back but since he was expecting sort of a, like something that goes from the United States to--a fishing tournament, and he said ahead of that particular matter and he told me had to meet him.

Q What was it about that fishing tournament as far as you, did he tell you?

A They--

Q Excuse me, what was it about the fishing tournament in terms of your stay in those waters?

A They fished right in that area, sir, and he didn't want any American boats to see it, we saw the American boats all over there, there was others, he didn't want the attention.

Q And so what happened?

A Well, like 5:00 o'clock he told me that we going to go aboard the VIVIANA, so he took me aboard the VIVIANA and he took all the radios with him because they had taken all the radios off the VIVIANA, too. And while I am aboard the VIVIANA he told them.

Q Who is "them"?

A The Colombians that were aboard the VIVIANA that I was the person that they were expecting to meet.

Q What happened to the persons, to your knowledge, the persons aboard the LAZY LADY? Did they come aboard the VIVIANA with you?

A. No. The only one came aboard VIVIANA with me at that time was Mario Estevez, sir.

Q. At some later time did the others join you aboard the VIVIANA?

A. Two of them, sir.

Q. Who was that?

A. Guido and Pepe Gato.

Q. Did you know what happened to Frank Bonilla?

A. Well, we went aboard the VIVIANA and then we went back to the boat, so Frank Bonilla, took Frank Bonilla aboard the boat.

Q. Which boat, now?

A. The PRIMERO DE MAYO, where I was with Mario Estevez and Rene Cruz, and at that point Rene Cruz is looking at the gun, that 357 Magnum and he kept looking at it, and he said that he liked it, that he owned it. Frank Bonilla, "I own, it is my gun," and he said, "but if you want it, give it to you as a present."

Q. Did he in fact do that?

A. Yes, sir.

Q. Now, aboard the VIVIANA, did you find out who the captain of that ship was?

A. His name, person by the name of, called

Negro Diaz, sir. There was another, two captains, the other one, first name was Victor, sir.

Q And who, to your knowledge did you learn was the engineer aboard the VIVIANA?

A Orobio-Michelena.

Q Do you see Orobio-Michelena?

A Yes.

Q Could you please--

A Yes.

Q Please point to him.

A He is the first one over there. The green Army jacket.

MR. MERVIS: Would the record please reflect that the witness has identified Orobio-Michelena

THE COURT: All right.

BY MR. MERVIS:

Q In the photo book, Exhibit 2, were you asked to identify a picture, to see if you could see Orobio-Michelena?

A Yes, sir. He is No. 8, sir.

THE COURT: Counsel, we are going to stop right there for a moment now, please.

I wonder if you would help move that thing so I can see the jury. .

All right. Thank you.

* * * * * * *

THE COURT: All right, ladies and gentlemen, just before we begin I will ask you, each of you this question and I know you will respond candidly.

Did anybody read the morning Miami Herald? If so, would you hold up your hand?

No hands are being held up and I will tell you a little later on, there was a very short reference to this case in it and, in one section of it, and if anybody is interested in buying a paper you will know before you go out to lunch which section not to read.

All right. Can we proceed now?

MR. MERVIS: The Government is ready, Judge.

THE COURT: All right. Go right ahead.

Thereupon,

DAVID LORENZO PEREZ

resumes the stand and testifies as follows:

DIRECT EXAMINATION (Continued)

BY MR. MERVIS:

Q Mr. Perez, we left off yesterday in Cuban waters, on board the VIVIANA with Rene Cruz.

During your discussions with Rene Cruz, had Rene Cruz told you anything about the financing for this trip involving the quaaludes?

A Yes, sir.

Q What was that, sir?

A He told me that some of the money to buy this merchandise in Colombia was provided by the Cuban Government.

Q Now, you mentioned earlier that you had left the LAZY LADY with Mario Estevez, is that correct?

A Yes, sir.

Q During your conversations with Rene Cruz, was Mario Estevez present?

A No, sir.

Q Do you know where he was?

A He was--I was down below the boat and he was on top of it, on the deck.

Q Did Rene Cruz ask you to provide anything to Cuba?

A Yes, sir. After we got on top of the deck, Mr. Estevez was sitting with me there and Rene Cruz asked me if I could get 50 to 75 outboard engines for the boat, Johnson & McCrews, that the Cuban Government will pay me double the price that I paid for them over here in the United States, sir.

Q What did you say to that?

A I said once I made it back to the United States I would try to make arrangements buying and taking them, sir.

Q As you-- How were those outboard engines going to be purchased?

Was there any discussion about that?

A No, sir.

Q Now, as you boarded the VIVIANA, could you tell the members of the jury what if anything Rene Cruz said to the crew of the VIVIANA?

A When we got aboard the VIVIANA, Rene Cruz told them that I was the man that they were expecting.

Q What happened after that?

A After that he given them the radios which he had taken out and we were left about--there for about ten more minutes, and we brought the LAZY LADY and tied up on the VIVIANA, since we got the engines fixed, and we left there and Rene Cruz went aboard the boat and we left there.

Q The individuals who had been aboard the LAZY LADY who you already told us, where did they go?

A Okay. Mario Estevez went aboard the LAZY LADY and Guido and Pepe Gato came aboard the VIVIANA with me, sir.

Q What about Frank Bonilla?

A No, he stayed aboard the LAZY LADY.

Q You left at that point out of Cuban waters?

A We were heading to Guinchos Cay, sir.

Q Did you in fact inspect the VIVIANA to determine if quaaludes were on board?

A Not at that time, sir.

Q Did there come a time when you did that?

A Yes, sir.

Q Approximately when, that is, how long after leaving Cuban waters?

A About an hour after, sir.

Q What did you find?

A Found a lot of boxes and a lot of packages.

Q What did they contain?

A Quaaludes.

Q Had you seen quaaludes before?

A Yes, sir.

Q Were you experienced in what quaaludes looked like and how they appeared?

A Yes, sir.

Q And were you satisfied that in fact that was the merchandise that had been--you had been expecting?

A Yes, sir.

Q Did you in fact make a count of that merchandise or how many boxes?

A After we--I counted the boxes, when we put them on the LAZY LADY later on, sir.

Q And ultimately, I know now it is later, but how many boxes of quaaludes were there?

A 426, sir.

Q How many quaaludes would that be, approximately?

A You are going on an average between 25,000 and 30,000, sir.

Q I am sorry, sir?

A 25,000 to 30,000 quaaludes each box, sir.

Q Now, once aboard the VIVIANA and leaving toward Guinchos Cay, what was the route and what was the plan to be?

A We were going to Guinchos Cay, sir, we still trying to find the RICKY VI. We missed Guinchos Cay. It is a very small cay and we decided to continue on and we came down to the tip of Andros.

Q Now, aboard the VIVIANA, did you have, as you are coming through, now, and heading toward the tip of Andros?

Did you have any conversations concerning a trip with any of the members of the crew or other people on board?

A. Yes, sir.

Q. Please relate those conversations to the jury.

A. I discussed with Julio Ilytchi, which was the man that Jaime Guillot assigned to the VIVIANA to come off the VIVIANA with me and stay with me until the whole--whole thing was finished and both of the captain, which one was Victor on the other, Negro Diaz.

Q. What were the discussions with them?

A. On which route we were going to take because they didn't want to come too close to the United States because the purpose going to Cuba was to, so that we would avoid American waters.

I told them there was no problems, we could go right around that route to Andros and since they needed more fuel, I was going to have to bring them into Andros to refuel them so they would be able to go back to Colombia.

Q. Now, aboard the VIVIANA, did you at any time use the radio?

A. I had the radio man that was assigned on that boat to manipulate the radio and we--we had a conversation with Barranquilla and they told us, call in about half an hour.

THE COURT: The question was, did he use the radio.

THE WITNESS: Yes, sir.

BY MR. MERVIS:

Q Where did you contact?

A Contacted Barranquilla, sir.

Q And ultimately with whom did you speak?

A Jaime Guillot, sir.

Q And could you please relate to the members of the jury that conversation?

A I told Jaime Guillot we were safe and I was aboard the VIVIANA and that we were getting towards our final destination and that I will contact him before I got off the VIVIANA, sir.

MR. MERVIS: Judge, may I hand the witness again the photo book?

THE COURT: Yes, sir.

MR. MERVIS: And while I am up, may I move the map into a position, sir?

BY MR. MERVIS:

Q Sir, turning to Government Exhibit 2, that photo book again, when you were asked to identify photos, were you able to identify the photograph of the radio operator on board the VIVIANA?

A Yes, sir.

Q Would you please tell us what number picture that was?

A The No. 4, sir.

Q Could you hold up that picture for us?

A (Witness complies.)

MR. MERVIS: Your Honor, in order to keep this--the record clear, it is my intention now to ask this witness to put his initials on the back of this photograph and then to go back and do the same with the other photographs he has identified, so that at some later point, at least the jury will know which photographs we have been talking about, since they really cannot see them from where they sit.

THE COURT: He has talked about the numbers, hasn't he?

MR. MERVIS: Yes.

THE COURT: All right. Put the numbers on them.

MR. MERVIS: I am sorry, sir?

THE COURT: Just put the numbers on them.

MR. MERVIS: Just put the--just mark them separately?

THE COURT: When the time comes and the number does not actually appear on the photograph, we will just number them.

MR. MERVIS: All right.

BY MR. MERVIS:

Q Sir, what did Jaime Guillot tell you about in that radio conversation concerning what was to occur next?

A I told him, we didn't--just told him we were safe and that we--

MR. LICHTER: Your Honor, objection, not responsive.

THE COURT: Ask the question again.

BY MR. MERVIS:

Q Did Jaime Guillot tell you anything after you told him that you were safe?

A No, sir.

Q Now, aboard the VIVIANA, heading out toward Guinchos Cay, what happened next?

A We missed Guinchos Cay and we got to the tip of Andros.

Q What happened at Andros?

A We were not really in Andros, we were down on the tip of Andros and we stopped there and we decided that we were going to leave the LAZY LADY and we were going to move the merchandise off the VIVIANA aboard the LAZY LADY.

Q What was the purpose in moving the

quaaludes from the VIVIANA to the LAZY LADY?

A. We had to go in order to come to Nicholstown, we had to almost right in front of a Coast Guard station, and I didn't want to pass by the Coast Guard station with two boat loads and here is--here is--here is this boat pulling another one with all the merchandise in there and so better off leaving the LAZY LADY down there with the merchandise.

Q. Having discussed that, did you in fact unload the quaaludes?

A. Yes, sir.

Q. Could you tell us who unloaded the quaaludes onto the LAZY LADY?

A. It was 12 Colombians on the VIVIANA.

Q. 12?

A. And myself, Guido, Pepe Gato, two Bahamians, Frank Bonilla and the other guy he had taken with him and Mario Estevez.

Q. Did you in fact leave the LAZY LADY?

A. Yes, sir.

Q. And where precisely was it left or to the best that you can recall?

A. On the tip of Andros, sir.

Q. Who stayed with the LAZY LADY?

A. The LAZY LADY stayed after Frank Bonilla, Mario Estevez, one Bahamian and the other guy that was Frank Bonilla's employee or something, I mean, used to be there all the time with the boat.

Q Now, where did you go?

A Myself, Guido and Pepe Gato remained aboard the VIVIANA and we went on to Nicholstown.

Q What happened in Nicholstown?

A We discussed the fact of who was going to get off and Pepe Gato and Guido got off with the Bahamian for them to go in. They get off in a small boat, there is a lot of small boats with Bahamians there We asked them to take them on land. They went on land and they took about three hours and I never heard nothing back from them so I got kind of worried and I decided to just go into the dock with the VIVIANA.

Q Into Nicholstown?

A Yes, sir.

Q And did you in fact do that?

A Yes, sir.

Q Now, sir, by the time, had you received any information on the fate of the RICKY VI and what had happened to the RICKY VI?

A Not at that time, sir.

Q After going into Nicholstown, what did you do?

A I got off and I made a phone call to Hank.

Q And who is Hank?

A Hank was the guy that I contacted before in Andros and he was the one that let me use the Sea Ray and the Open Fisherman and he was the one that I was going to use to store this merchandise if I needed the storage in Andros.

Q Why did you contact Hank?

A So that--so that he would give me some fuel, put in the VIVIANA and so that I could go over to his house and stay there.

Q Did you in fact go back aboard the VIVIANA?

A No, sir.

Q Do you know what happened to the VIVIANA?

A Well, Julio Ilytchi got off the VIVIANA with myself, because he was going to stay here with me and they put a thousand gallons of fuel on the VIVIANA and according to my knowledge he went back to Colombia.

Q Who, again, was Julio Ilytchi?

A Julio Ilytchi was sort of Jaime's representative.

Q Let me hand you what has previously been marked as Government Exhibit No. 32.

Can you identify that exhibit, sir?

A Yes, sir.

MR. MERVIS: May I approach the witness?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Please tell us what it is.

A This is what we, aboard the VIVIANA, this is some parts for that particular boat that El Negro Diaz asked if I would buy them over here so the next trip around I would send in one of the boats and give them to them because it was kind of hard for them to get them in Colombia.

MR. MERVIS: At this time I move Government Exhibit No. 32 into evidence.

THE COURT: There appears to be no objection. Received.

MR. LAZARUS: May we see that?

MR. MERVIS: I am sorry, Judge. For the record, it has been previously supplied and I apologize for not showing it to them.

THE COURT: By all means.

MR. NEGRETTI: I am going to object to this.

THE COURT: All right. That is fine. What is the objection?

MR. NEGRETTI: Objection, I think I find here something that has no signature to it, no date to it, just a mere list of parts which could be gotten anywhere. I could prepare one like this in a minute, Judge.

THE COURT: Counselor, you are discussing the weight of the evidence, not the admissibility.

MR. NEGRETTI: That is correct.

THE COURT: All right. Overruled.

MR. LICHTER: Objection as to the document, it is not authenticated sufficiently.

MR. NEGRETTI: Not authenticated sufficiently.

THE COURT: Counselor, you really haven't had your witness tell us anything other than what the contents are. If you would like to lay the predicate as to how he obtained it and who gave it to him, you may.

MR. MERVIS: May I have the document back?

THE COURT: Yes.

You asked him about it, he just told you, well, you know, they gave me such and such. Wanted some parts or something. I would like to know where he got the document, who gave it to him to rule on the question.

BY MR. MERVIS:

Q Sir, tell the members of the jury, if you would, first of all who gave that document to you.

A El Negro Diaz.

Q Who was El Negro Diaz, sir?

A Captain of the boat.

THE COURT: Captain of which boat?

THE WITNESS: The VIVIANA, sir.

BY MR. MERVIS:

Q Who wrote that document?

A El Negro Diaz and Victor, some other guy who was aboard the VIVIANA, sir, one of the other Colombians.

Q Approximately when did they give you that note, Government Exhibit 32?

A When, en route from the tip of Andros towards Nicholstown, sir.

Q And is that Exhibit 32 in fact the very same note that they gave you?

A Yes, sir.

Q Is its condition the same as when they gave it to you?

A Yes, sir.

MR. MERVIS: Now, Your Honor, once again I move it into evidence.

THE COURT: All right. What exhibit is it for identification?

MR. MERVIS: 32.

THE COURT: Receive it, please.

[Thereupon, Government Exhibit No. 32 was received into evidence.]

BY MR. MERVIS:

Q What language is Government 32 in?

A Spanish, sir.

Q Could you briefly tell the members of the jury some of the supplies and parts that the captain of the VIVIANA requested that you--

MR. NEGRETTI: Object to that. The defendant has not been qualified as a qualified interpreter. I mean, the witness, Your Honor.

BY MR. MERVIS:

Q Sir, what is your native language?

A Spanish, sir.

Q And obviously you speak English?

THE COURT: Counselor, I will tell you what you will do if you want to use that in closing for the jury, before the jury goes out we will simply have the Interpreter read the document to the jury.

You can go ahead now and continue your questions, please.

MR. MERVIS: Judge, does the Court have any objection to the Interpreter publishing it now?

THE COURT: Not a bit.

MR. MERVIS: Judge, if the Interpreter could publish the document.

THE COURT: Luis, see if you can. Now, what you are asking is, what is on this list, is listed as parts? Is that what you are asking?

MR. MERVIS: Yes, sir.

THE COURT: Read the list of any parts that you see written on the document. Is the document in Spanish or English, Counselor?

MR. MERVIS: Yes.

THE COURT: Translate it for us.

MR. TOZO: Judge, with all due respect to the Court, before it is read, I, along with the language in that document, it is really--it is in Spanish. I can read Spanish, but I really cannot understand what it says. The parts are technical. At this point the objection would be as to relevancy. We do not see the relevancy that it has as to the case that is being tried.

THE COURT: All right. Your objection is overruled. What is your problem, Luis?

THE INTERPRETER: The contents of this

document, Judge, is handwritten, some of it is difficult to understand, even though it is printed and--

THE COURT: I understand, and are you telling us it is because of the script or the writing itself?

THE INTERPRETER: Part because of the writing itself and the other part is that it has a lot of mechanical parts that I frankly cannot translate without the technical dictionary.

THE COURT: All right. So that we now will proceed, Counselor, and we will arrive at an understanding that the official translator will have a translation for us at such time as you need to present it to the jury.

MR. MERVIS: All right, fine, Judge. I will proceed.

BY MR. MERVIS:

Q Sir, in giving you a list of the parts for the next trip, did you know at that time when the next trip would be, the VIVIANA was scheduled to be?

A This paper was made out at the second conversation with Jaime Guillot, sir. And Jaime Guillot advised me that he was getting another load ready, sir.

Q Did he tell you what the load was?

A Marijuana, sir.

MR. SANFORD: May we have the time, the place of the conversation?

BY MR. MERVIS:

Q I am sorry. Which conversation was that?

A The first conversation was on my way to Guinchos Key, the tip of Andros; the second conversation was after we left the LAZY LADY behind on the tip of Andros, going towards Nicholstown, that is when the second conversation took place. Was like 7:00 o'clock in the morning and Jaime advised me that he was getting another load ready which was marijuana, sir.

Q That conversation also took place on the radio to the VIVIANA?

A Yes, sir.

Q Where was Jaime Guillot at that time, to your knowledge? Where did you have to radio to?

A Barranquilla, sir.

Q Barranquilla?

Now, sir, once you entered onto Andros Island and Pepe Gato left and after contacting Hank, what happened?

A They put a fuel on the boat and I stayed on at Hank's house and I was making some phone calls to Miami, since I was gone a few days, they thought I was dead.

THE COURT: No.

MR. MERVIS: Do not tell us what anyone thought.

THE COURT: Look, do not ask him what happened. Ask him a question. That keeps us on the rules of evidence, please, sir.

BY MR. MERVIS:

Q Sir, in Andros Island, what did you do next?

A Called Miami, sir.

Q After calling Miami, did you do something with regard to the matter of bringing the quaaludes back into the United States?

A Yes, sir.

Q In fact, where were the quaaludes supposed to be brought?

A The quaaludes were supposed to be brought, I wanted to bring them to Androstown at that time, to Nicholstown, because they were more secured over there and we had bad weather at that time.

Q And what was the route or how was that going to be done on the LAZY LADY?

A I was going to send another boat to take it off the LAZY LADY, since the LAZY LADY had broke down and tried to get it repaired, so we could move everybody into Nicholstown, sir.

Q And where was this other boat supposed to meet the LAZY LADY?

A The same place the LAZY LADY was, sir.

Q Were you in Andros Island after the telephone calls, what did you do in response to those telephone calls, sir?

A I arranged a guy named Malihandro. He is a Cuban national, been living in Andros for a few years, had a friend that had a boat and he and this Bahamian guy, we contracted his boat to go back and try to get at least some of the merchandise over to Nicholstown because it was a smaller boat. We couldn't get it all.

Q Did in fact that boat leave?

A Yes, sir.

Q To meet the LAZY LADY?

A Yes, sir.

Q Did it ever return with the merchandise?

A No, sir.

Q What did you do next, sir?

A When I called my house I learned that the RICKY VI or the people aboard the RICKY VI had been picked up by the U.S. Coast Guard and they were brought over.

Q What was your understanding where they had been brought to?

A To Miami, sir.

Q And what did you do in response to that information?

A I decided to come to Miami myself, sir.

Q And approximately how long had you been on Nicholstown before returning to Miami?

A Two days, sir.

Q Now, what did you do when you got back to Miami?

A At that time, I looking for another boat, sir, and I got into--and I wanted to see the people that were aboard the RICKY VI and when I seen them I kept looking for another boat at the same time.

Q Now, who exactly did you see?

A I seen Jose Luis, Jorge Llerena, Clemente,

MR. MERVIS: Your Honor, just if I may, again, for the record, Jose Luis having been previously identified as Jose Domingo Martinez.

BY MR. MERVIS:

Q And approximately how long after you were back in Miami did you meet with those people?

A The same day as I got in at night, so the next morning about in the afternoon I met with them, sir.

Q The person that you call Jose Luis, did you in fact have a conversation with him?

A Yes, sir.

Q And what did he tell you about what had occurred aboard the RICKY VI?

A Told me that they run on top one of the sides of the RICKY VI, because it was a wide boat, kind of hit a rock or something and it sunk. And he told me all the things that happened over there, had no water, no food for the last day and how the Coast Guard picked them up and brought them over and I explained to them what happened to us, but that the merchandise was safe and that if he was willing to go out again that we would get another boat so that he will go out.

Q And what was going to be the purpose of going out again?

A To go over to the LAZY LADY, pick up the merchandise and instead of taking it to, onto Nicholstown bring it over to Riding Rock, sir.

Q And when you asked the person that you call Jose Luis whether he was willing to do it again, what did he say?

A He says, "Yes."

Q Did you in fact obtain another boat?

A Yes, sir.

Q What boat was that?

A The K-D, sir.

MR. MERVIS: Judge, may I approach the witness?

Let the record reflect that I am showing defense counsel Exhibit 3.

BY MR. MERVIS:

Q Sir, handing what has been marked Government Exhibit No. 3, could you please identify that?

A Yes, sir, this is the K-D.

Q It is a photograph of the K-D?

A Yes, sir.

Q Does that photograph fairly and accurately depict the vessel K-D?

A Yes, sir.

MR. MERVIS: Your Honor, at this time we move Exhibit 3 into evidence.

MR. NEGRETTI: May I see that photograph a minute here, Judge?

MR. SANFORD: I object. I have an objection as to the predicate and as to the photograph itself. It is a photograph of a transom of a vessel, not of the vessel.

MR. NEGRETTI: Can I see the photograph?

THE COURT: Yes. I am convinced that you

have seen it before, but you can come up and take a look at it now, by all means. The only thing that is lacking is the predicate, Counselor. It would have to do with the question of time as to relevancy.

BY MR. MERVIS:

Q Sir, did you in fact see the K-D?

A I see it after, sir.

Q After what?

A Julio went down to Key West, picked it up.

Q And he--

MR. SANFORD: Object, unless it is within his own personal knowledge.

THE COURT: All right. Ladies and gentlemen, step out and relax out in the back room just a minute and I think we can save some time this way.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: What is the period of time now that we are talking about, generally, when you want to ask him whether or not that picture depicts this boat as it appeared on a certain date or certain period of time? What area of time are we talking about?

MR. MERVIS: Well, I think the witness

* * * * * * *

And the witness, not supposed to know the rules of evidence and perfectly normally, as any witness would, in answering a question, said, "Well, they thought something."

Well, of course, that is not, "What did you do next," and that is why I say, "No, just answer the question."

All right. So much for the course and discourse on the rules of evidence. I just want you to know when the Judge interrupts he is simply trying to keep the case on the right track, not to help one side or the other. I am sure you understand that.

All right. Proceed.

BY MR. MERVIS:

Q All right, Mr. Perez, let me go back.

What had the person who you have identified as Jose Luis agreed to do upon your return back to Miami?

A He agreed to get on whatever boat I found which was the K-D, through Manacho, and he agreed to go back out where the LAZY LADY was, take whatever merchandise he could fit on the K-D and to Riding Rock meet this speedboat, turn the merchandise over to the speedboats and if it was necessary go back to the LAZY LADY to pick up the rest of the merchandise.

Q To your knowledge, did Jose Luis go out on the K-D?

A Yes, sir.

Q And what happened, and how do you know that?

A I sent him down to Key West, sir, and Luis Blanco was the one that drove him down there, and when he drove back--

Q Drove what down there?

A Drove Jose Luis down to Key West, sir, and then he came back and told me that.

THE COURT: All right. So that you know that, what you know about it is that somebody drove him to Key West, is that right?

THE WITNESS: Yes, Your Honor.

THE COURT: All right.

MR. MERVIS: If I may.

THE COURT: Go ahead.

BY MR. MERVIS:

Q Did Jose Luis himself report back to you as to what had happened to him?

A Yes, sir.

Q Approximately when?

A A day later, sir, I came, he called me up and he told me he couldn't go all the way because the

Coast Guard had stopped him because his boat had been in the Mariel boat lift and told him he couldn't be out on the water in this particular boat and this boat was to be retained in Key West, sir.

Q And that boat was the K-D?

A Yes, sir.

Q Now then, when did you in fact see the K-D?

A When it was in Marathon.

Q And what was it doing in Marathon?

A Where in Jose Luis is, the Coast Guard stopped him and told him to go back down to Key West, he just instead of going back to Key West he went in the first place which it was Marathon, sir.

Q That is what Jose Luis told you?

A Yes, sir.

Q And in response to that, what did you do?

A We went out and I looked for another boat, since I figured I couldn't use this one, and I found a 47 Chris Craft pleasure boat that a guy owned called Peeple, I do not know his name, down in Fort Lauderdale and Jose Luis went over and looked at the boat with me and he decided that boat was suitable to go out there and do this job, sir.

Q But did you in fact see the K-D at that point?

A After I went in Marathon, sir.

Q Now, does Exhibit 3 reasonably depict, show the K-D as you saw it?

A Yes, sir.

MR. MERVIS: Now, Your Honor, I move Exhibit 3 into evidence.

THE COURT: Just proceed. We will mark it as soon as I get the Clerk.

[Thereupon, Government Exhibit No. 3 was received into evidence.]

MR. MERVIS: Your Honor, may I retrieve this photograph?

THE COURT: Yes. What is the number? 3?

MR. MERVIS: 3.

THE COURT: All right.

MR. MERVIS: May I just briefly show it to the jury?

THE COURT: Yes, sir. Exhibit 3 for identification has been received into evidence and is now being shown to the jury, Mr. Clerk.

THE CLERK: Thank you, Your Honor.

BY MR. MERVIS:

Q Now, sir, you have referred to picking up the merchandise from the LAZY LADY.

When you say merchandise, what are you referring to?

A. Quaaludes, sir.

Q. Now, after, in Marathon, was in fact another effort made to reach the LAZY LADY?

A. Yes, sir.

Q. And who did that?

A. I did, together with Jose Luis and another guy by the name of Jose, and two people, the guy that owned the other boat was the Chris Craft 47-foot, sir.

Q. Now, had you learned that the LAZY LADY needed some other parts?

A. Yes, sir, I knew that before I left.

Q. And what exactly was wrong with the LAZY LADY as far as you knew?

A. I am not a mechanic, but as far as I know the generator was drowning, sir.

Q. Did you make an attempt to get additional parts to the LAZY LADY?

A. Yes, sir.

Q. And tell the members of the jury what you did.

A. I went out and didn't--I couldn't remember the engine's number, so we figure it was 350, and we bought two generators and Jorge Llerena, since he is a mechanic, he was going down there and fix the LAZY LADY.

Q And in fact did Jorge Llerena agree to take those parts back to the LAZY LADY?

A Yes, sir.

Q And to your knowledge did he in fact go?

A Yes, sir.

Q Now, was there another trip made back on the K-D?

A Yes, sir.

Q And tell the members of the jury when that occurred.

A After the Chris Craft sunk, I had no other boats and at this point in time Jaime Guillot had called that he already had sent another boatload of marijuana.

Q Now, the Chris Craft was the other boat that you obtained when the K-D had been stopped by the Coast Guard?

A Yes, sir.

Q Tell the members of the jury just briefly what had happened to that other boat you mentioned.

It sunk?

Where had it sunk?

A. In the middle of the canal between here and Bimini, sir.

Q. And who was on board that vessel that sank?

A. It was Jose Luis as a captain, guy by the name of Jose, Jose.

Q. And then when a decision was made to use the K-D again, who left aboard the K-D?

A. Jose Luis as the captain, sir.

Q. Was anyone else on board?

A. There was two more guys, sir. I couldn't remember their names.

Q. What were their instructions as to where to go?

A. They were to go to Guinchos Key, sir, and meet another Colombian boat and pick up marijuana, sir.

Q. Now, in your conversation with Jaime Guillot, had he given you a time frame when the boat with marijuana was to be there?

A. Was to be there five days.

Q. In Guinchos Key?

A. Five days after my conversation with him, sir.

Q. Did you in fact leave Miami again?

A. Yes, sir.

Q And where did you go?

A I went to Bimini, sir.

Q And what was the purpose of that?

A I went to Bimini to go from Bimini to Riding Rock, expecting to see the LAZY LADY arrive, since I already had sent the parts and a mechanic.

Q And what happened in Bimini when you got there?

A Well, the K-D was to go pick up the marijuana, sir, and I went back to Riding Rock expecting to meet these boats over there and we couldn't find the boats so I came back to Miami, sir.

Q Did you ever go back?

Did you ever leave Miami once again in search of the LAZY LADY or the K-D?

A Not of the LAZY LADY, sir.

Q I am sorry?

A I sent somebody else to wait for the LAZY LADY, sir.

Q And who did you send?

A Robert G. Clemente, sir.

Q You never left Miami again?

A Until the time after the K-D left to go get the marijuana, sir.

Q The K-D left to go get the marijuana and then what did you do?

A. I left, sir. I went to Bimini and then Riding Rock again, sir.

Q. This is the second trip, now?

A. Yes, sir.

Q. And while in Bimini and this Riding Rock, what happened with regard to both the LAZY LADY, first the LAZY LADY, to your knowledge?

A. When I got over there I met Clemente and he told me he couldn't find the LAZY LADY, that it was not around, so I told him, well, we had to go and wait for the K-D. Now we will go over there to Riding Rock and look over, we went over there and as we going in, we see the Coast Guard on one side and we see the K-D on the other side, so I circled around to draw the Coast Guard attention and I came back down towards Cat Cay, went around the Keys and head towards the K-D which I already had drawn the Coast Guard attention towards our boat, and I left the guy aboard the K-D who was, the name is Miquel and he was to take the K-D from Riding Rock to South Bimini, right where the sunken boat is, sir.

Q. What is the sunken boat?

A. It is an old freighter that has been-- was sunken there, sir, and parts of it is, remains out of it, still right next to Bimini.

Q What was to happen at the sunken boat?

A The K-D was to wait sort of around in that area until we get there with the speedboats and off load and then go back out, because since they had not taken all the merchandise off the Colombian boat, sir.

Q All right. Now, you say you were going to off-load into the small boats, off-load what? What was the plan?

A Marijuana, sir.

Q And when you say then that the merchandise had not come off the Colombian boats, what merchandise is that, now?

A Part of it, sir, the K-D could not carry 23,000 pounds of marijuana.

Q How did you know there was supposed to be 23,000 pounds of marijuana aboard the Colombian boat?

A Jaimi Guillot told me that.

Q When he told you--

A On one of our conversations, sir.

Q So now the sunken boat was to be an off-loading point?

A Yes, sir.

MR. MERVIS: May I approach the witness,

Your Honor?

Let the record reflect I am handing what is marked Government Exhibit 5 to defense counsel.

MR. NEGRETTI: Your Honor, prior to eliciting any testimony from the witness, we strongly object to the introduction of the witness' statement from the picture unless a proper predicate is laid for it, who took the picture, when was it taken, what it depicts.

MR. MERVIS: Most respectfully--

THE COURT: Unless the proper predicate is laid, of course it will not be received into evidence.

You can proceed.

BY MR. MERVIS:

Q Sir, handing you what is marked as Government Exhibit 5, can you tell the members of the jury what that photograph depicts?

MR. NEGRETTI: Objection, as no proper predicate is laid, at least for the testimony of the witness.

THE COURT: Overruled.

BY MR. MERVIS:

Q What does the picture show, sir?

A It shows two small pleasure boats and

the remains of the sunken boat, sir.

Q Now, with regard to the sunken boat that you have been describing, does that picture accurately show what the sunken boat looks like?

A Yes, sir.

Q The two pleasure boats in that picture have nothing to do with this case, is that correct?

A No, sir.

Q That is not the K-D, it is not the LAZY LADY, those pleasure boats?

A No, sir.

Q Those pleasure boats?

A No, sir.

Q Just with regard to the sunken boat, does that picture--does that thoroughly show the point which you have described as the sunken boat?

A Yes, sir.

MR. NEGRETTI: May we voir dire that, Your Honor?

THE COURT: Yes, sir.

Ladies and gentlemen, I make this statement to you because there is just something, no question about it, only for the sake of not having confusion. You gentlemen correct me if I am wrong. When this man refers to the sunken boat, as I recall the evidence, he is not talking about any particular boat that he has been talking about for the last day or two.

There is a thing that he says out there that is a point of recognition, referred to as the sunken boat, just like when I go to Horse Creek, I say that is down at the pinpoint, so we are not talking about other vessels that have been discussed in this case. I am sure you understand that. All right.

MR. NEGRETTI: What is it, sir? Could you describe the sunken boat for us by taking--without taking a look at the photograph?

THE COURT: Did you understand the question?

THE WITNESS: Would he repeat it again, sir?

THE COURT: Could you describe this sunken boat without looking at the photograph?

THE WITNESS: Yes, sir.

MR. NEGRETTI: What is the length of the boat?

MR. MERVIS: Objection, Judge.

MR. NEGRETTI: Voir dire. I have the right to do that.

MR. MERVIS: I understand, but I understand the question to allow the witness to give a description.

MR. NEGRETTI: That is a description involving the length of it, the width of it, what the boat was made of, how far down it is sunk.

THE COURT: The sunken boat is under water.

MR. NEGRETTI: If the boat is under water, you cannot see it.

THE COURT: Asking him what the length is?

MR. NEGRETTI: What is the length of the boat?

THE WITNESS: I do not know the length.

MR. NEGRETTI: What is the beam of the boat?

THE WITNESS: I am not a boat captain, sir. I do not know the beam of the boat, sir.

MR. NEGRETTI: Then you cannot describe the boat for the jury, is that correct?

THE WITNESS: I could say it is a steel hulled boat, a freighter, a freighter, sir. And remaining in the water without jibs or anything, sir.

MR. NEGRETTI: How much of it is sunk?

THE WITNESS: Maybe ten feet, twenty feet. It has been there for years, sir.

MR. NEGRETTI: I want to take a look at that picture here and say your experience, was that taken from an airplane?

THE WITNESS: I would say so, sir.

MR. NEGRETTI: It shows how deep this boat is sunk from there?

THE WITNESS: No, sir.

MR. NEGRETTI: Your Honor, I object on other grounds that it does not truly depict the boat, it is sunken, talking about a boat, in his own words it says it does not show that it is sunken. If the Court will take a look at the picture, realize what I am trying to say.

THE COURT: All right. Anything else now that you wish to ask him, sir?

MR. NEGRETTI: No, sir.

THE COURT: All right.

MR. MERVIS: Once again, the Government will move Exhibit No. 5.

MR. NEGRETTI: Objection.

THE COURT: Receive it.

[Thereupon, Government Exhibit No. 5 was received in evidence.]

MR. MERVIS: If I may publish that picture to the jury, at least just hold it up in front of the jury?

THE COURT· May I ask you a question, Counselor, please. The significance of the sunken boat to the Government is that this man says that we were going in a certain area and that is around the old sunken boat, right?

MR. MERVIS: Basically.

THE COURT: I was just wondering. Is that correct?

MR. MERVIS: Yes, using it--

THE COURT: Does the sunken boat play any part in this case other than a location that the man is discussing?

MR. MERVIS: No, it is a location that he is discussing.

THE COURT: All right. So you do not need to publish the picture of a sunken boat, I do not think, at the moment.

Let's go ahead, please, sir. He might have said that four large rocks were sticking up, whatever, is the location he is referring to. What he says is a particular place that was in his mind, so go ahead, please, sir.

We do not need to send it to them now.

BY MR. MERVIS:

Q Sir, you left off you were on Bimini.

How many speedboats did you asemble to meet the K-D to help off-load the marijuana?

A You mean how many I got before I got there, sir?

Q All right. Before you got to Bimini, start there. How many did you have before you went to Bimini?

A Three, sir.

Q Where did you get those boats?

A Those are the ones that were--that I picked up the first time I went to Bimini, sir, in search of the RICKY VI that they were remaining with me and they wanted to work, so I had contacted them and they were willing to go back out again.

Q Who was responsible for those boats, again?

A A guy by the name of Miguel, sir.

Q And did that person named Miguel actually pilot one of the boats?

A No, sir, he was with me on the boat, he was, sir.

Q Now, in Bimini, how many other boats did you obtain?

A Finally we got 14 boats, sir.

Q With those 14 boats, now, what did you do?

A First we met the K-D. After we had to move it from Riding Rock towards the sunken boat, and we took some of the merchandise off, and some of the other merchandise we had to off-load it in Bimini.

Q All right. Now, when you say the merchandise, about how long was it after you left Bimini before you saw this K-D?

A Maybe four hours, sir, three hours.

Q Approximately, and what was aboard the K-D?

A Marijuana, sir.

Q And how was that marijuana packaged?

A Packaged in pressed bags of sacks, Utiks and some of it--

Q Wait, I'm sorry. That last word, sacks of, the court reporter--

A I wouldn't, Utiks, I wouldn't, it is sacks, are used for coffee.

Q Burlap sacks?

A I wouldn't know how to say it in English, sir.

Q All right. They were packed in sacks?

A Yes, sir.

Q Approximately how many sacks of marijuana were aboard the K-D?

A I did not count them, sir.

Q Had you seen marijuana before?

A Yes, sir.

Q And in your experience was in fact this merchandise as you say marijuana?

A Yes, sir.

Q Now, was all of that marijuana off-loaded off onto the smaller boats?

A No, sir, the remainder of it was off-loaded to the--we got off-loaded up until the 12 boats, and at that point we off-loaded some of it into land in Bimini because we had to--had the K-D returned back as soon as possible to pick up the rest of the marijuana, sir, from the Colombian boat.

Q The K-D had not been able to get all of the marijuana?

A No, sir.

Q Now, who was aboard the K-D when you met it to help off-load the marijuana?

A Jose Luis was the captain, Mario Estevez and Jorge Llerena and the other two crew members, sir.

Q Who were the other two crew members?

A I do not remember their names, sir, and Miguel which I had placed him to move it from Riding Rock to the K-D, sir.

Q Miguel, the person who had been responsible for the boats?

A For the speedboats, sir.

Q Now, where did you go after the marijuana was loaded off of the K-D onto the smaller boats?

A I went back to Riding Rock because together with the K-D we sent off after the K-D about four hours difference, we had sent another boat to help the K-D bring the marijuana over and we were expecting this other boat to show up in Riding Rock, sir.

Q Did it in fact come to Riding Rock?

A Yes, sir.

Q And what did that other boat have on it?

A Marijuana, sir.

Q And what was done with that marijuana?

A We put it in some of the other speedboats, sir.

Q Were you present during all of these off-loadings?

A Yes, sir.

Q Now, after that second off-loading, where did you go?

A I came back to Bimini, and I was expecting to wait for the K-D again, sir.

Q Did you in fact see the K-D again?

A No, sir.

Q And where did you go then from Bimini?

A I came to Miami, sir.

Q And the small boats that you now have the marijuana, what was the marijuana, where were they supposed to go?

A They were to come into different places in the--within the Miami area, sir.

Q Did in fact those boats, to your knowledge, arrive into Miami?

A Yes, sir.

Q Did all of them get through into Miami?

A All of them except one, sir.

Q And who owned or who was driving the one that did not get through?

A A middle-aged man by the name of Miguel, sir.

Q Do you know, did Miquel tell you what happened to him?

A Yes, sir.

Q And what in fact happened to Miquel?

MR. SANFORD: Objection, predicate.

THE COURT: Just a moment. I do not see him on the list, Counselor.

MR. MERVIS: I am sorry, Judge, which list?

THE COURT: Well, I'm not going to write you a letter, but there is certainly no predicate for admissibility of that question, what did he tell you about it, that I can recall.

BY MR. MERVIS:

Q Sir, what was Miguel, what was he doing?

What was he supposed to be doing?

A He was supposed to go bring that particular speedboat into Miami, sir, and contact Cortez once he was here.

Q And in fact did you learn what happened to Miguel?

A Yes, sir.

Q When did you first learn that Miguel had not made it into Miami?

A When I was coming in through the Miami River, sir, about 2:00 o'clock in the morning, I seen his--the boat he was coming in and seen him by Customs.

Q And could you describe that boat?

A It is an Open Fisherman, brown on the bottom, sir.

Q Did you in fact at some later time receive a call from Miguel?

A From his son, sir.

Q And did you give Miguel anything to assist him?

A Yes, sir.

Q And what was that, sir?

A $15,000, sir.

Q And what was the purpose of giving Miguel $15,000?

A Paid his bond and part of his attorney, sir.

Q Sir, within Government Exhibit 2, the photo book, were you asked whether you could identify a picture of Miguel?

A Yes, sir.

Q And did you in fact identify the photograph?

A Yes, sir.

Q And could you please tell the members of the jury what the number of that photograph was?

A No. 30, sir.

Q Do you know Miguel's last name?

A No, sir.

Q Now, you have been talking and telling us about the marijuana coming into the United States.

By this time, had you learned what had happened to the quaalude pills?

A. Yes. sir.

Q. And who told you what had happened to the quaalude pills?

A. Mario Estevez and Jorge Llerena, sir.

Q. Could you tell us, please, approximately when and where you were told?

A. They told me when I met the K-D, I was surprised because they were not supposed to be aboard the K-D.

Q. What was that, which time when you met the K-D?

A. The first date that I had time, I didn't have--not have time to talk--

Q. What happened--

A. The first time I met them which was close to Riding Rock, I just put Miquel on it and I seen them later on by the sunken boat, sir.

Q. And who told you what as to what had occurred to the quaalude pills?

A. Mario Estevez and Jorge told me that they had to throw the pills overboard because the U.S. Coast Guard had been out there and Jose Luis told me that he that he seen the LAZY LADY when it was, where it was sunk at and since I had seen the Coast Guard within that area, I told them no sense in talking about this right now, we will get this other merchandise in here which was the pot, let's get this over there and then we will find out what happened with that.

Q The pot being the marijuana that you told us about?

A Yes, sir.

Q Now, did any of the quaalude pills come in, actually make it into the United States?

A No, sir.

Q How much were those quaalude pills worth?

A Somewhere within the area--

MR. SANFORD: Objection, Your Honor.

THE COURT: Sustained.

BY MR. MERVIS:

Q Are you familiar with the price of quaalude pills?

A Yes, sir.

Q First of all, were you familiar with how much they had cost initially, the purchase, and to manufacture, in this case?

A Yes, sir.

Q Approximately how much were they worth initially?

A. To buy in Colombia--

MR. LAZARUS: Your Honor, we are back at the same point.

THE COURT: Yes, not how much they are worth, you have to ask him the basis for his information. You are actually asking him about a particular value on a particular article, when you ask the question you ask, Counselor.

MR. MERVIS: Judge, I have gone back because--

BY MR. MERVIS:

Q. Who told you how much these quaalude pills were worth or how much they cost?

A. In Colombia, you mean, sir?

Q. Yes, sir.

A. Jaime Guillot, sir.

Q. And how much did they cost?

A. Ten cents of a dollar, sir.

Q. I am sorry. How much?

A. Ten cents, sir.

Q. Ten cents for each pill?

A. Yes, sir.

Q. Were you familiar with the price of the market value of those pills here in the United States?

A Yes, sir.

Q And how were you familiar with that?

A I was the one that was going to get paid for them, sir.

Q And what in fact was the fair market value of those pills here in the United States?

A I was selling it for 70 cents apiece, sir.

Q And how much money had you expected to make off the sale of those pills?

A The first time me and Jaime Guillot spoke about it we were talking about ten million quaaludes, sir, so I--we were talking about $7 million, and you take the expenses off and we left a million and a half, $2 million.

Q Now, with respect now to the marijuana which had come in, where was that marijuana taken?

A Taken to a little farm in Homestead, sir.

THE COURT: All right. Let's stop right there and give Mrs. Featherstone and the jury a little break.

Ladies and gentlemen, you can step back in the jury room.

Remember, do not discuss this case among yourselves.

You can take a little recess, Mrs. Featherstone.

[Thereupon, a short recess was taken and the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: About how far through this witness have you gone?

MR. MERVIS: With this witness?

THE COURT: Yes.

MR. MERVIS: I would say we are probably three-quarters of the way through, at least.

THE COURT: I am just trying to get some planning. I'm not being critical of you.

You take as much time as you wish to inquire of this witness.

MR. MERVIS: Yes, Judge. I think I estimate about another hour of direct.

THE COURT: Bring them in, please.

[Thereupon, the jury entered the courtroom and the following proceedings were had in their presence:]

THE COURT: Is everybody here on the jury? All right, Counsel. You can proceed, please, sir.

BY MR. MERVIS:

Q Sir, with regard to the marijuana, had all the boats except for Miguel's made it through into Miami?

A Yes, sir.

Q I believe you told us that the marijuana was taken to a farm in Homestead?

A Yes, sir.

Q Who had arranged for that farm to be available?

A Myself, sir.

Q And what was that farm used for?

A It was--it is a five-acre farm and it was a family living in there, sir. They had a small grove and in the back of the grove they had some horses and small storage building.

Q And what, was something placed in the storage building?

A Yes, sir, marijuana.

Q And who had control of the marijuana at that farm?

A Placed marijuana there and, sir, placed the guy over there by the name of Richard DeLeon to stay with it and another Colombian guy and Cortez was the one to--

THE COURT: Wait just a minute, now. You want to know who had control of it? I think it would be best if he answered the question.

Ask another question.

Frankly, I think that calls for a conclusion, but--

BY MR. MERVIS:

Q. Who was responsible for directing what occurred to the marijuana out at the, out at the farm?

A. I was to be informed of everything that was taken out, but the only person who could go in and out was Cortez, sir.

Q. And that is the defendant, Alberto Cortez?

A. Yes, sir.

Q. Did you in fact meet with Cortez and discuss what was coming in and out?

A. Yes, sir.

Q. Were records kept about how much marijuana was being stored at that farm?

A. Yes, sir.

Q. And who maintained, who, first of all, who made those records?

A. Between Cortez and Robert G. Clemente, sir.

Q And where were the records kept?

A Because merchandise was supposed to be good when it got here, it was very low quality stuff, and the people that I was expecting they were going to buy with the money up front didn't come through because of the low quality of it, so we had to front most of it, was fronted, and we had to keep records so we know who paid what and who owed what and how much they took each time they were taken out, sir.

Q Now, after, was the marijuana ultimately distributed?

A Yes, sir.

Q How much money, did you know how much money approximately was received from the sale of the marijuana?

A Be hard to remember, sir. It was different quantities, different amounts of money and a lot of that money never came through, sir.

Q After the distribution of the marijuana, who kept the records?

A I did, sir.

Q And why did you decide to keep them?

A Because I was the one responsible to the Colombians and the Cuban Government, sir.

Q And how much money now was owed to the

Cuban Government?

A $800,000 for the methaqualone pills and one-third of the profit of the marijuana load, sir.

MR. MERVIS: Judge, I am going to approach counsel table.

May I approach the witness, Judge?

BY MR. MERVIS:

Q Sir, let me hand you a series of exhibits.

THE COURT: Let me interrupt to ask Counsel, do you anticipate a matter of law coming up on this? Any of you? Just for my planning purposes so we will know what to do with the jury.

All right. Go right ahead, please, sir.

BY MR. MERVIS:

Q Let me hand you a series of exhibits, now, and ask you to go through them one-by-one. They start, for the record, from Exhibit 7, sequentially through Exhibit 30 and then jump to Exhibit 33, and I will ask you if you would, to identify those items.

Well, first of all, could you take a look through all of them?

Have you looked through all of those exhibits, sir?

A Yes, sir.

Q Would you briefly identify what those

exhibit are? Not one-by-one, but what are they?

A. Some, most of them are--were bills, like each bill has a number and the weight and that is what is in here and on some of them carry how much was given to each individual, that was different buyers, some of them got the names and some of them got the amounts of money that was returned to me and some of it the amount of money.

THE COURT: Are these the records that you spoke about a while ago that were being kept?

THE WITNESS: Yes, sir.

THE COURT: What is the next question, please, sir?

MR. MERVIS: Well, Judge, there apparently is no objection, I would at this time move into evidence those exhibits and for the record specifically No. 7, 8, 9, there is no 10, 11 and then 13 through 30 and 33.

MR. LICHTER: Your Honor, I have no objection but for the purposes of record keeping I wonder if the witness could say what each number is. For example, Exhibit 7 is such-and-such.

THE COURT: All right.

MR. MERVIS: I am going to do that, at least go through some of them.

THE COURT: He says he is going to carry him through that. Receive them and then put those designations on them, please, sir.

[Thereupon, Government Exhibit Nos. 7, 8, 9, 11 and Nos. 13 through 30 and 33 were received into evidence.]

BY MR. MERVIS:

Q Now, sir, would you hold up the first one and explain to the members of the jury, first of all, identify what exhibit number it is.

A This is Exhibit No. 7, sir.

Q Tell the members of the jury what that exhibit shows.

A This is a number of each bale, this, how much weight it is, and this is the amount of the weight and then this number, got a 35 deducted and then that is --we deduct out of it each bale, we have to deduct a certain amount like a pound or a pound and a half for the package.

Q The package being the sack?

A Yes, sir.

Q When you say each, each bale was numbered you mean each separate bale was given a separate number?

A Most of them, sir.

Q Take the next one, if you would and tell us what that is.

A This one is just about the same.

MR. LICHTER: What number is that?

THE WITNESS: Oh, sorry, No. 8.

BY MR. MERVIS:

Q Yes.

A This one is practically the same, just does--was not added up, didn't add it up, just the numbers and the weight.

MR. MERVIS: Judge, may I approach the witness? I can go through it quicker.

MR. NEGRETTI: Is that the--

MR. MERVIS: I am sorry?

MR. NEGRETTI: The price?

THE COURT: You get to cross-examine him a little later on.

MR. NEGRETTI: Yes, sir.

MR. MERVIS: Judge, may I remain here for a moment and try to do it a little quicker.

BY MR. MERVIS:

Q Sir, looking at Government Exhibit 11, could you tell the members of the jury what that exhibit is?

A This is an amount of money, some of the amounts of money that was brought over to me and this one here is also the amount of money that was brought over to me.

Q That is paid?

A The different amounts of money.

Q When you say amounts of money brought over to you, that is paid for the marijuana?

A For the marijuana.

Q Would you tell the members of the jury some of the amounts that were in fact paid?

MR. LICHTER: Excuse me.

MR. MERVIS: Based upon the exhibit.

MR. LICHTER: The document speaks for itself. It is in evidence.

THE COURT: Sustained.

BY MR. MERVIS:

Q Showing you what has now been introduced as Government Exhibit 13, what is that, sir?

A This is the weight and the total with the name of the initials of who it was given to, the marijuana was given to, and also down here it--the amount of money that one person had delivered to me in payment for it, sir.

Q Now, looking at Government Exhibit 33, what was 33?

What was that exhibit?

A That, this exhibit was made by Clemente in my presence, Robert G. Clemente and he did not put the numbers of bales in here but he just, the weight and he made it out of an adding machine.

Q Showing you Government Exhibit 18, sir, what does that show?

A Shows some of the boat, speedboats, drivers and collected in marijuana since the money was taken along to come in and decided to start paying, start paying them in marijuana, shows in here the amount of one person got as payment and the number of bales and the weight of them.

Q And who got that amount?

A Rafael Lito, sir.

Q And the name Cortez on the document, what does that signify?

A Signified that he was the one who made it, was the one that delivered, sir.

Q Exhibit 19 with the name, Lenin on it, what does that signify?

A This signifies, sir, the weight and the numbers, two bales and the name must have been one of the guys that was delivering, too, sir.

MR. SANFORD: Objection to what it must have been.

BY MR. MERVIS:

Q Do you know what in fact it was?

A No, sir.

THE COURT: Your objection is sustained.

Anything else on this point?

All right. Go ahead.

BY MR. MERVIS:

Q Government Exhibit 20 has the name Miguel. Do you know who that was and what that signifies?

A He is also one of the speedboat pilots. The numbers and weight of each bale he took, sir.

Q Exhibit 22 with the name Flako Efalo, who is Flako Efalo?

A He was also one of the pilots in another boat, sir.

Q And also on Exhibit 22 there is a reference to Jaime. What does that refer to?

A Okay, Jaime told me to deliver some marijuana to a guy that he supposedly owes some money over here in the United States and this shows the bales and the weight of them, sir.

Q Now, Government Exhibit 25 shows the name Pepo. Who, again, was Pepo?

A Pepo was the owner of the Chris Craft

that it was used as an attempt to go meet the LAZY LADY, since his boat was sunk, I had to give him something as payment for the boat. So this is the number and the weight of the marijuana that was given to him, sir.

Q And 26, again, has the name Cortez and the word "American".

What does that bill signify?

A It means again, it was Cortez, the one who deliver it, the one that deliver it, and this is the note so that he will not have to put the name of the person given to, he just said, signified as an Americano, sir.

Q Sir, let me hand you Government Exhibit 34, 35, 36, first being shown to defendants.

MR. MERVIS: Your Honor, if I may approach the witness, sir.

BY MR. MERVIS:

Q Government Exhibit 34, 35, 36, are they also part of the records that you kept as a result of the transactions which you--the incident which you have been testifying about?

A Yes, sir. May I, No. 36 is--

Q First, may I move them into evidence, Government Exhibit 34, 35, 36?

MR. LICHTER: I believe the witness was

going to tell us one of them was not, what, a record?

THE COURT: All right. Just go ahead with your questions.

THE WITNESS: That was exactly what I was going to say, sir.

BY MR. MERVIS:

Q Referring to what document, then?

A No. 36 is part of the records but it is just a note with two phone numbers, sir.

Q And whose phone numbers were they?

A Guido's, sir.

Q And Guido was the person whom you met in the Bahamas with Pepe Gato?

A Yes, sir.

Q And the other, the other exhibits before you, would you please explain them?

A No. 34, sir, is a different amount of money and also No. 35, sir.

MR. MERVIS: Judge, once again, renew my motion to move 34, 35, 36 into evidence.

THE COURT: All right, sir. You can receive them, Mr. Clerk.

[Thereupon, Government Exhibit Nos. 34, 35 and 36 were received into evidence.]

THE COURT: All right, Counselor, let me interrupt you just a moment. We are going to recess now for a while.

Ladies and gentlemen, we are going to excuse you now until 1:45. 1:45 this afternoon.

Remember that you are not to discuss this matter with anyone, even between or among yourselves and please come back promptly at 1:45.

Thank you.

[Thereupon, the jury retired from the courtroom and a luncheon recess was taken.]

* * * * * * *

BY MR. MERVIS:

Q Sir, directing your attention back to the question of Miguel and his arrest, did you have to account for all of the marijuana which had been off-loaded from the Colombian vessel onto the small boats to be brought into this country?

A Yes, sir.

Q Who did you have to make an accounting to?

A First of all, Jaime Guillot, and Jaime Guillot to the Cuban Government, sir.

Q The money that was paid for Miguel's lawyer's fees, did that come out of the expenses for the trip?

A Yes, sir.

Q And did also you have to calculate the cost of the marijuana that had been seized?

A We had to calculate the amount that was seized, sir.

Q And would you normally--how did you go about doing that?

A Normally when somebody gets arrested they get a report and they say how much has been arrested with.

Q And did you in fact ask Miguel to tell you what had happened in order to make an accounting?

A I asked him to tell me how much, how it was that he was arrested.

Q Did he in fact tell you?

A Yes, sir.

Q Did you also ask another individual to find out from Miguel what had happened?

A Yes, sir. I told Clemente that since I was, G. Clemente, that since I was moving back and forth with buyers and also getting so that Cortez would go and pick up the stuff and deliver it to these buyers that if he could handle finding all these out and also if Miguel didn't have an attorney to try to get an attorney for him.

Q Did Clemente also report back to you what Miguel told him about the circumstances of his arrest?

A Yes, sir.

Q All right. Now, basically, what, just in a nutshell, did Miguel tell you was he arrested at Haulover?

A Yes, sir.

Q And did he tell you approximately how much marijuana was taken from him?

A He told me it was about 800 or 900 pounds, sir.

Q Did Clemente tell you that Miguel had told him the same thing?

A Yes, sir.

Q And was that fact calculated into the expenses and into an accounting made to Jaime Guillot?

A Yes, sir.

MR. MERVIS: That is all I have, Judge.

THE COURT: All right. What is the objection to the Government's--

MR. SANFORD: Judge, my objection is that there has been no, at this point, no tie between somebody named Miguel who was arrested at Haulover and some date that we are not aware of and Miguel in this case.

THE COURT: That's right. But that is not the problem. The problem is this testimony admissible that Miguel that he was talking about said certain things to him. That is what we are considering now.

MR. SANFORD: At this point that Miguel allegedly, well, not allegedly but apparently was arrested, I do not believe that the statements made by Miguel to this witness are admissible.

THE COURT: Not unless he was a continuing conspirator or agent.

MR. SANFORD: At this point there is no evidence that he was.

THE COURT: All right. This last proffer you say does not establish a continuing agency relationship between them? Is that your objection?

MR. SANFORD: It is insufficient at this point.

THE COURT: All right. Who else wants to raise an objection and state it for the record?

MR. LAZARUS: Yes, Your Honor. I join in that same objection.

THE COURT: All right.

MR. LAZARUS: And the basis that again there is not--that statement that is made is not in furtherance of a conspiracy.

MR. NEGRETTI: I join in the same objection, Your Honor.

THE COURT: All right. Let's say everybody joins in it and all defendants, and the answer is that the agency relationship continued to exist, notwithstanding the arrest and thus it is admissible.

All right. Bring them in, please, sir.

[Thereupon, the jury returned to the courtroom and the following proceedings were had:]

THE COURT: Is everybody over there?

THE CLERK: Yes, sir.

MR. MERVIS: May I proceed, Your Honor?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Mr. Perez, all of the marijuana which came into this country, was it in fact distributed?

A Except the one that was confiscated, sir.

Q And in fact did you have to make an accounting of all of the marijuana, even that that was confiscated?

A Yes, sir.

Q And who did you have to make that accounting to?

A To Jaime Guillot.

Q And in making that accounting, did you have to verify the circumstances or find out what had actually happened to this marijuana that was missing?

A Yes, sir.

Q In doing that, did you in fact talk to Miguel to find out what had happened?

A Yes, sir.

Q What did Miguel tell you as to what had happened to him?

A First of all, he had to give Miguel these bond money, his son, when he would bond out, I asked him what happened and he told me he had been arrested in

Haulover Beach when he was bringing the boat out, put on a trailer, and I told him that he would have to give me probably the amount that was confiscated on the boat because I had to respond to Jaime and I told him I was not going--I going to make the--talking to him, and if he needed an attorney that Clemente would try to find it and I was also told Clemente the same thing, sir.

Q How much marijuana did he tell you approximately was taken from the boat?

A Somewhere around 800, 900 pounds, sir.

Q Sir, now, the Haulover Beach, is that the Haulover Beach here in Miami?

A Yes, sir.

Q Now, going back to when the quaaludes had been loaded from the VIVIANA to the LAZY LADY, what was the defendant, Orobio Michelena doing?

A He was the mechanic of the VIVIANA, and each one of the crew members of the VIVIANA had a different assignment to do on the boat, but when it came time to off-load the boat and help get this on the other boats, it was all of them responsibility to off-load the VIVIANA onto the other boats.

Q Did in fact the defendant Orobio Michelena assist in that off-loading?

A Yes, sir.

Q Now, sir, after the distribution of the marijuana, do you recall how much the defendant, the person you have identified as Jose Luis, was paid?

A Somewhere around $35,000, sir.

Q And do you recall how much Jorge Llerena was paid?

A Somewhere around $15,000, sir.

Q Now, after all the marijuana was distributed, was some money still owed to Jaime Guillot?

A Yes, sir.

Q And was the money in fact still owed to the Cubans?

A Yes, sir.

Q Did there come a time, sir, when you had a meeting concerning what had happened to the quaaludes?

A Yes, sir.

Q Could you tell me approximately when that meeting occurred?

A It was somewhere around November, sir.

Q November of 1980?

A Yes, sir.

Q And who was present at that meeting?

A Okay. It was myself, Julio Ilytchi--

THE COURT: Julio what?

THE WITNESS: Ilytchi, sir.

BY MR. MERVIS:

Q Who again was Julio Ilytchi?

A He is--was Jaime's--that was the man that Jaime sent to the VIVIANA to get off the VIVIANA and come to this country with me so that not only he would have my word on what would happen to any of the drugs but he would also have one of his real close people say-so on whatever would happen to it, sir.

Q We are back to the meeting, and who else was present besides you and Julio Ilytchi?

A Robert G. Clemente and the meeting took place at Miguel's house which is the, Miguel is the one that is--he lives in Carol City and he was the one that was in charge of the speedboats, sir.

Q And who did you ask to account for what had happened to the quaaludes?

A I asked Jorge Llerena, I asked the other Colombian guy that we had left on the LAZY LADY when it first was off-loaded.

Q Do you recall that person's name?

A No, sir. I asked Guido and I asked Pepe Gato and also Estevez, Mario Estevez, sir.

Q Were they all present at this meeting?

A They didn't came all together but as I kept getting ahold of them they kept coming and--

Q How did you get them for this meeting?

A Called them and I told them I needed to talk to them, sir.

Q At that meeting, sir, did you have a gun?

A Yes, sir.

Q And what did you do with that gun at that meeting?

A First of all, we--first of all we had everybody in different, in the house, but in different, had everybody kind of separated, but we wanted to find out what--what was the real reason of what had really happened with the quaaludes, since I had spoken with Jaime Guillot and he told me I was responsible in front of him for those quaaludes, and also in front of the Cuban Government, that I owed the Cuban Government $800,000 and that I had to respond to him and also to the Cuban Government. So in order for me to respond to that I had to come up with some real good and convincing so I had to get it from them. And I placed a gun on the table and I started calling every one of them.

First Mario Estevez and Jorge and so far, and each one of them told me just about the same storv.

Q What did you have to threaten them actually with a gun?

A I told them I wanted to know the truth because I thought that somebody had ripped us off.

Q And who told you what had occurred as to the quaaludes?

A Each one of them told me the same thing, sir. They told me that a helicopter was flying on top of them, U.S. Coast Guard helicopter, and as they were dumping the quaaludes they came on that loudspeaker, whatever they got on the helicopter, they kept hollering at them not to dump.

Q And did you accept that explanation?

A I felt that since every one of them give me the same explanation it was sincere.

Q And as a result of that accept them-- did you as a result of that meeting, did you in any way order any of those people harmed or threatened because of the loss of the quaaludes?

A No, sir, other than putting the gun on the table.

Q Did you ever have to pick it up and put it to anybody's head or threaten them in any way?

A No, sir; no, sir.

Q Now, sir, after this meeting, did you arrange a meeting with Jaime Guillot?

A Yes, sir.

Q And what was the purpose of that meeting supposed to be?

A. The purpose of the meeting was that he had told me that it was 23,000 pounds of marijuana and that it was high quality marijuana and when the marijuana got in here it, the buyer that had lined up to buy it did not want it because of the low quality and I told him that there was no way I could sell it and even get the money back to pay all the people that out working in their speedboats and also to pav him, that he had to come up over here to see for himself if he wanted.

Q. And in fact did Jaime Guillot agree to come to this country to meet with you?

A. Told me in order for him he could not come in the country, but if I send an airplane and brought him over to Nassau and then into Bimini and then over here by speedboat, that he will come.

Q. And did you in fact make an arrangement for an airplane?

A. Yes, sir.

Q. And what arrangement did you make, sir?

A. I leased or rented a Lear Jet out of Opa-Locka.

Q. Did you in fact receive a receipt for that rental?

A Yes, sir.

MR. MERVIS: May I approach the witness, Judge?

Let the record reflect I am handing what is marked Government Exhibit No. 31 and showing that to defense counsel.

BY MR. MERVIS:

Q Sir, handing you what has been marked Government Exhibit No. 31, can you identify that?

A Yes, sir.

Q What is it?

A It is a receipt for the money I paid for the airplane to go to pick up Jaime, sir.

MR. MERVIS: Your Honor, at this time we move Government Exhibit No. 31 into evidence.

THE COURT: All right. It is received.

[Thereupon, Government Exhibit No. 31 was received into evidence.]

BY MR. MERVIS:

Q Sir, what is the date on that receipt?

A December 13, 1980, sir.

Q And approximately how long after that did the meeting with Jaime Guillot take place?

A Two days later, sir.

Q And where in fact did the meeting take place?

A. Miami, sir.

Q. Where in Miami?

A. Well, he call me up that he was in Miami and we went by Dollar Rent-A-Car and tried to rent a car and we couldn't rent a car so we were driving on 42nd Avenue, was myself, Jose Luis and Jaime Guillot in the car, sir.

Q. Did you in fact have a meeting?

A. Yes, sir, I took him to a hotel on, I think, 70th Street or something like that, by the Palmetto, close to Dadeland Mall. He called Fernando Mesa, and Fernando Mesa went over there and rented a room for him, so we discussed the fact that in that meeting I asked him if he wanted to go, to go to the place where we had the marijuana at and he told me he didn't need to see it no more, that he was convinced that it was no good.

Q. And did you make arrangements to pay him any money?

A. We discussed the fact that it was not him and me, it was also the Cuban Government behind us, was discussed the fact that myself and the Cuban Government was financing most of these operations in Colombia and that based on the fact that this two things had gone wrong that we were going to have to do favors or jobs for the Cuban Government, sir.

Q When you say the two things, what are you referring to?

A The methaqualone pills and the marijuana, sir.

Q And in fact was there a final agreement reached as to who would pay whom how much money?

A He told me that we had to make it up to--

Q I am sorry, "he"?

A Jaime Guillot, Jaime Guillot, sir, told me that we had to make it up to the Cuban Government and I told him I would not pay any money, I don't care if it is the Cuban Government, I just not pay no money for something I never received any money.

Q Did you agree to pay Jaime Gillot any money?

A I told him whatever we get out of these we just going to have to split it and between yourself and myself and he says we're going to have to split it three ways but that is the way it should be, we agreed up on that and I discussed with him the fact that I never really became to an agreement with him, that I would participate fully with the government, Cuban, with the Cuban Government on the dividing our--whatever was we made out of it.

Q The three-way then being you, Jaime Guillot and the Cuban Government?

A Yes, sir.

Q Did you give Jaime Guillot a price as to how much money you thought you would pay him?

A No. It was no sense in discussing the price, sir, because we had to keep coming down on the price of this merchandise, the marijuana, in order to sell it and we had to front it, as I said earlier.

THE COURT: Excuse me just a minute. You have Exhibit 31.

THE CLERK: Thank you.

BY MR. MERVIS:

Q Were there any other trips discussed at the meeting with Jaime Guillot?

A Not at this meeting, sir. He was kind of angry.

Q What was he angry about?

A Because of the loss and because of the low quality of the marijuana, sir.

MR. MERVIS: May I have a moment, please?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Sir, now, during the course of your

dealings with the various individuals that you have been describing for us, did you keep a phone and address book?

A Yes, sir.

Q And in that phone and address book, did you list certain numbers and names?

A Yes, sir.

MR. MERVIS: May I approach the witness, Your Honor?

THE COURT: Yes, sir.

MR. MERVIS: Let the record reflect I am showing Government Exhibit No. 6 to defense counsel.

May I hand the exhibit to the witness?

BY MR. MERVIS:

Q Sir, handing you what has been marked Government Exhibit No. 6, can you identify that?

A Yes, sir.

Q And tell the members of the jury what that is.

A It is a phone book I keep at my house, sir.

Q And in fact does that phone book contain certain names and numbers of individuals involved in this case?

A Some of the names, yes, sir.

MR. MERVIS: At this time, Your Honor, we move Government Exhibit No. 6 into evidence.

THE COURT: All right. There appears to be no objection. No. 6.

[Thereupon, Government Exhibit No. 6 was received into evidence.]

MR. MERVIS: May I approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MERVIS:

Q Sir, looking at Government Exhibit No. 6, could you please tell us just briefly some of the names contained within that phone book that pertain to this case?

First of all, is Jaime Guillot's name in there?

MR. LICHTER: The book is in evidence. The jury--

THE COURT: It is, but I think we will just make it convenient. You want him to read certain names that he says are in that book?

MR. MERVIS: Just a few, just illustrative of what this exhibit contains.

THE COURT: Go ahead.

THE WITNESS: Yes, sir.

BY MR. MERVIS:

Q Sir, with regard to Jaime Guillot, did you ever know, did you ever meet a woman by the name of Carman Blanco?

A No, sir.

Q Is--you told us once about an individual named Hank. Is the name Hank in that directory?

A Yes, sir.

Q The name, or Jaime Guillot, what is that under?

A It is the name of Isabel and Jaime.

Q Is the name or number for the individual you have identified here as Jose Luis in that book?

MR. LICHTER: We stipulate there is an entry that says Jose Luis in the book.

THE COURT: All right. Go ahead. You have a stipulation. The name is in the book.

MR. LICHTER: Yes, sir.

BY MR. MERVIS:

Q And the man that you referred to, I believe as Tom Curry, is that name in the book?

A Yes, sir.

Q And finally, sir, the name for the defendant Cortez, is that in the book?

A Yes, sir.

Q Sir, with regard to the money owed to Jaime Guillot, did you in fact ever pay him any of that money?

A Some of it, sir.

Q Approximately how much did you in fact pay him?

A Somewhere around $450,000, sir.

Q 400--

THE INTERPRETER: How much?

THE WITNESS: $450,000.

BY MR. MERVIS:

Q Did you pay him the whole amount owed?

A No, sir.

Q And after paying him some of the money, what happened to you?

A I was to go to prison, sir, and I went in January, 1981, I went into prison, sir.

Q And in fact is it the prison where you now remain?

A Yes, sir.

MR. MERVIS: Your Honor, no further questions.

THE COURT: All right. Do you have this witness available now that you wish to call this moment?

MR. MERVIS: Yes, sir.

* * * * * * *

MR. TOZO: Can I approach the Bench? We would like to know if, well, in which order do you want us to cross-examine the witness?

THE COURT: Any way you want to agree among yourselves. If you cannot agree, the order in which the defendants are listed.

All right, ladies and gentlemen, before we continue I have some announcements to make for you.

We will not be in session here Friday of this week. You will not be here for this case nor any other case as a juror Friday, speaking of the day after tomorrow.

This afternoon is the Judges' Conference which we have twice a month. It starts at 4:30. I have an emergency waiting on me back there now. I do not know how long it is going to take, whether it will be two minutes or an hour, so I could not tell you, but you will be out of the building by at least 4:30 today and we will spend tomorrow on the case but Friday will be the day that you will not be here, Friday next.

All right, sir, you can proceed.

Thereupon:

DAVID PEREZ

resumes the stand and testifies as follows:

CROSS EXAMINATION

BY MR. LAZARUS:

Q Mr. Perez, good afternoon.

A Good afternoon.

Q My name is John Lazarus.

Mr. Perez, when you were testifying yesterday one of the first things you spoke about was the fact that you were a drug smuggler.

A Yes, sir.

Q Why don't you tell us a little bit about your history prior to the events that you discussed in this case as a drug smuggler.

MR. MERVIS: Judge, objection. I think it is going to his conduct. I think they can go somewhat to the extent that I opened the door, but--

THE COURT: Your question is, tell us about the extent of your smuggling activities? That is your basic inquiry?

MR. LAZARUS: Yes, sir.

THE COURT: Your question is, "Why don't you tell us a little bit."

I want you to tell him what you really want him to do, and then we will be okay.

MR. LAZARUS: I was interested in a factual basis for his statement yesterday that he was a drug smuggler.

THE COURT: All right.

Ask the question now.

BY MR. LAZARUS:

Q When you told the jury yesterday that you were a drug smuggler, what was, what did you base that statement on?

A I don't quite understand your question.

Q What were your activities that you were engaged in that led you to say yesterday that you were a drug smuggler?

A I was a drug smuggler. I was to bring drugs in this country, sir.

Q And when did you start your career as a drug smuggler?

A The beginning of 1976, sir.

Q How old were you at that time?

A 21, sir.

Q 20?

A 21, sir.

Q Well, what was your educational background before that?

A Tenth grade, sir.

Q Okay. When you got out of school in the tenth grade, what did you do?

A I worked for a little bit, for about seven months.

Q And what kind of work did you do?

A Body work, sir.

Q Okay. And you were working for a body shop of some kind?

A Was sort of a body shop, was a car lot. They used to ship cars to Puerto Rico and I worked over there helping repairs to the cars and getting them ready, sir.

Q How old were you at that time?

A About 18 years old, 17.

Q After seven months, what happened?

A I decided to--volunteered to go in the Army, sir, and I went and signed up for the Army and I didn't qualify the test. So since that I couldn't go in the U.S. Army I signed up and I went in the National Guard.

Q What was the test that you did not qualify for?

A Some sort of a test they had, sir.

Q Excuse me? I am sorry.

A A writing test that they had, sir.

Q Then you failed the written test?

A Yes, yes, sir.

Q Then you went into the National Guard?

A Yes, sir.

Q And then how long were you in the National Guard?

A I signed in for six years.

Q You signed up for how long?

A Six years, sir.

Q Okay. And you went--when you went in the National Guard, you must have been about 18?

A Yes, sir.

Q Okay. And how long did you remain in the National Guard?

A I went in the National Guard as the U.S. Army told me that I--if I passed basic training then I could sign up and change to the U.S. Army, sir. And I passed basic training at AIT and I was there for about two years, sir, maybe about a year and a half, sir.

Q You were in the National Guard for a year and a half?

A Yes, sir.

Q You signed up for six.

What happened?

A Well, they told me that they were going to provide me with the facilities for education and when I got there I was assigned to be an infantry man.

Finally I became to realize I wasn't going to be able to study anything.

Q Right?

A So with no benefit for me to--to remain in there any longer.

Q So what happened?

A I just quit going to the meetings, sir.

Q Oh, this was only a part-time position?

A Yes, sir.

Q Okay. You just quit and nobody ever asked you why you didn't finish your four and a half years?

A Later on, sir.

Q Excuse me?

A In 1979 I was asked, sir.

Q What form did this question take?

A Well, supposedly they said that they send me a letter to report to Fort Jackson, which I never received the letter, so the U.S. Army arrested me and I was in the stockade for 12 days until it was proven that I never did receive this letter, sir.

Q I see. Okay. Now, while you were in the National Guard, how much of your time did that take up, while you were in that year and a half that you talked about?

A It took five months, five straight months.

Q Okay.

A And then I used to take 15--15 days every year and one weekend every month.

Q Okay. What did you do for the rest of the time?

A Worked.

Q What kind of work did you do?

A Body work.

Q This is a different body shop?

A Yes, sir.

Q Okay. And how long did you hold that job?

A Well, I owned it, sir. I started out with a place that was not really appropriate for a body shop but I made a body shop out of it.

Q Okay.

A I handled the licensing department for it.

Q What year are we speaking about now?

A Right around 1974, sir.

Q And then in 1974, and you now established a body shop?

A Yes, sir.

/

Q And you are the owner of the shop?

A Yes, sir.

Q Okay. And then what happened?

MR. MERVIS: Judge, objection as to relevancy. I just think he is going too far afield to say, and then what happened.

THE COURT: You are up to what year now, Counselor?

MR. LAZARUS: 1974, I believe, Your Honor.

THE COURT: All right. What do you want to ask him following that?

MR. LAZARUS: My real question is, I'm interested in the progression between the body shop and getting into the smuggling business.

THE COURT: Ask him about that.

BY MR. LAZARUS:

Q What caused you to give up the body shop business?

A I worked 16 hours a day.

Q Right.

A And never really had any money in my pocket.

Q Okay.

A And I was young. I had no experience.

I was fixing a car one day and this older man that I knew made the comment that he had to go and collect $35,000 and that really made me jump out of the car.

Q Uh-huh.

A To find out how you could make $35,000 in one day.

Q Did you find out?

A Yes, sir.

Q And how could you make $35,000 in one day?

A By getting involved in smuggling, sir.

Q Okay. And did you become involved in smuggling?

A Yes, sir.

Q Okay. And exactly what were the specifics?

What was the first thing that you did?

MR. MERVIS: Objection. Specific acts of misconduct, I think, somewhere along the line, but not--

THE COURT: Well, I do not know how to handle the problem. You asked him whether or not he was a drug smuggler and he said he was, so he is now asking him how long he has been a drug smuggler, how many times he smuggled drugs and that sort of thing.

It would be proper. Go ahead.

MR. LAZARUS: Thank you.

THE COURT: Do not thank me, Counselor. I am ruling on a matter of law.

BY MR. LAZARUS:

Q You may answer the question.

A Will you repeat it again, please, sir?

Q Tell us about your first drug smuggling activity, exactly what did you do and who did it--did you do it for and--

A They--I was introduced to these people and told me I was too young to get involved and they said, but still if we get a chance we will send for you.

Q Okay. Who were these people that you were introduced to?

We are talking about in '76?

A Yes, sir.

Q This is here in Miami?

A Yes, sir, by the name of Lorenzo.

Q What is his last name?

A I don't remember his last name, sir.

Q Did you know it at the time?

A I--at that time, yes, sir.

Q And what was Lorenzo, from Miami?

A Yes, sir.

Q What happened?

What did Lorenzo say to you?

A He told me that if it was a chance that he would get me to go to work for the people he working for, so a month went by and he came up with a car.

THE COURT: Might I interrupt you just a minute, Counselor. Step up to the Bench, please, and bring your book, men.

[Thereupon, the following sidebar conference took place outside the hearing of the jury:]

THE COURT: Look, how long this guy has been in the smuggling business and the extent and scope of it is perfectly proper. I really do not think that either I or the jury are interested in how come somebody named Lorenzo came and said, "We will call you back later if we ever get a job for you, and they didn't get me a job for three months and my mother came over here and we spent two weeks together and then Lorenzo finally called me."

I mean, unless you all get paid by the word, that is not very helpful.

MR. LAZARUS: Okay.

THE COURT: I mean, you know, the man is a smuggler. Ask him how long you have been in the business, how many runs you have made, how much money do you think you were involved with, anything but not, "Hey, after a while they finally called me back."

We are not that much interested in that.

MR. LAZARUS: Your Honor, just to explain what I am trying to do.

THE COURT: All right.

MR. LAZARUS: I thought that for the first incident I was going to go pretty much into detail, but then in subsequent years not going into it for every one.

THE COURT: You understand what we are looking for?

MR. LAZARUS: I know exactly.

[Thereupon, the sidebar conference was concluded, after which the following proceedings resumed in open court:]

BY MR. LAZARUS:

Q So, Mr. Perez, one thing before I forget, did you receive a discharge from the National Guard?

A Later on, yes, sir.

Q And what kind of discharge did you receive?

A Other than honorable conditions.

Q Sir? I am sorry, what?

A Other than honorable conditions, sir.

Q Other than honorable conditions?

A Yes, sir.

Q Now, your first smuggling operation that you became involved in, exactly what happened?

What did you do?

A Are you asking me what was my part in it?

Q Yes, what was your part?

A I was only what you could call an employee.

Q Okay. Were you smuggling marijuana?

A Yes, sir.

Q And what was your role in the operation?

A We started out, I was just off-loading a boat, and then find out they needed a driver.

Q A driver of what, a boat?

A No, of a truck.

Q Okay.

A And they told me if I would do it and I said, yes.

Q And so you drove a truck with marijuana?

A I never got to drive it, sir.

Q Okay. But you off-loaded a boat?

A Yes, sir.

Q And where was this boat that you off-loaded?

A Up in Indian River, sir.

Q The boat was in Indian River?

A Indian River.

Q Okay, and you off-loaded that boat onto what?

A Into a motor home, sir.

Q Okay.

MR. LICHTER: Excuse me. I wonder if we could get a time.

BY MR. LAZARUS:

Q When was that, sir?

A 19--beginning 1976, sir. I couldn't remember exact dates.

Q How much money did you earn for that transaction?

A $10,000.

Q Okay. And the next time that you were involved in smuggling activities, when was that?

A About eight months after that.

Q Okay. What did you do?

MR. MERVIS: Objection, relevancy. I think we have just been over that.

THE COURT: Overruled. We will proceed.

BY MR. LAZARUS:

Q What did you do?

A I was to drive a, drive a truck this time, but the marijuana never got in place. I just came back to Miami without doing nothing.

Q Did you get paid for that?

A No, sir.

Q Okay. And by the way, you were working through this organization of this Lorenzo, is that correct?

A Yes, sir.

Q Okay. What did you do then?

What was the next smuggling activity, if any, in which you were involved?

A Everything--you want me to tell everything that I have done since 1976? Is that what you are asking me?

Q Of every smuggling activity, I'm just asking you right now about the next one.

A The next one didn't go right, either, sir

Q Well, okay. Did you get paid for that?

A No, sir.

Q What was your job, very briefly, that you were supposed to do in that particular activity?

A I was a driver, sir.

Q Of a truck?

A Of a truck, sir.

Q And that--something didn't work out and you didn't get paid?

A Well, just that the marijuana never reached.

Q Okay. That is fine, and what was the next successful operation that you were involved in, or, that is, an operation, smuggling operation in which you did get paid?

A Back in 1978, sir.

Q So, from 1976 to 1978, is that correct, that you were only involved in one successful operation where you were paid $10,000?

A Yes. Are you asking me just smuggling in this country, right, sir?

Q No, your involvement as a drug smuggler, drug involvement, let's say.

A Okay. Well, since 1976 until 1978 I started meeting people, since I learned that I was not getting the money by just going to off-load, I sold some, some stuff for some marijuana that other people have brought into the country.

Q You sold other people marijuana?

A Some, yes.

Q. Okay. And how much money did you make from 1976 until 1978 selling that marijuana?

A. Be hard to remember, sir.

Q. Well, why don't you try.

A. Maybe $300,000, sir.

Q. And that marijuana that you were selling, where were you getting it from?

A. From different people that have brought it into the country, sir.

Q. And who were you selling it to?

A. Also different people, sir.

Q. It wasn't one particular organization that you were involved in that was bringing it into the country?

A. No, sir.

Q. Okay. Then what happened in 1978?

That is when you had another successful smuggling operation?

A. Yes, sir.

Q. Okay. Tell us about that.

A. We brought it in, sir, 30,000 pounds of marijuana, sir.

Q. When you say "we," who are you speaking of?

A. Myself and 23 other people, sir.

Q And what was your function in that group of 23 people?

A I was part of the leaders, sir.

Q I am sorry?

A I was one of the four leaders, sir.

Q Okay. You acted as a leader, one of our leaders.

What exactly did you do?

What was your function?

A To find the spot that will be suitable for bringing the boat, sir.

Q To find a spot--I am sorry?

A To find a place that would be suitable so that we could bring a boat and be successful, sir.

Q And by "successful," you mean--

A Not being caught.

Q When you say a place that is suitable, we are talking about a place to store the marijuana?

A No, sir, talking about a place to bring a boat, somewhere.

Q Talking about a place that you could bring a boat to off-load?

A Yes, sir.

Q And did you find such a place?

A Yes, sir.

Q And what place did you use?

A Louisiana, sir, the State of Louisiana.

Q Okay. And did you have a farm or something there?

A No, sir.

Q A landing strip?

A No. We just, just, a place next to a river, sir.

Q Did you rent that place or did you just locate that place?

A No, sir, it was an empty place, nobody around.

Q Okay. And how much money did you make as a result of that particular transaction?

A $535,000, sir.

Q Okay. And what was the next successful smuggling transaction or operation that you were in which you were engaged in?

A Can I say the next one that was unsuccessful, too, sir?

Q If you would like to, go right ahead.

A I lost all the money in the next one, sir.

Q Okay. Tell us about that.

A Would you say, repeat the question again?

Q Tell us about it.

A You want me to tell the whole story that was involved, and everything?

Q Sure.

Okay. Let me ask you this. On that transaction you said you lost the entire $535,000?

A I got arrested, sir.

Q And you were arrested in that transaction?

A Yes, sir.

Q Okay. And were you convicted?

A Yes, sir. Right after that.

Q You were convicted?

You were convicted of that particular transaction in '78?

A That wasn't in '78. I never said it was '78, sir.

Q Okay. I am sorry. When was that?

A The beginning of '79, sir.

Q Okay. This was in '79?

A Well, that I got arrested, then I was arrested by the military, too, because that is when they say I was a deserter from the Army, and I proved that I wasn't.

Q Okay.

A. And due to that point, a conspiracy took place, and this I was charged by the State and I was found guilty, two counts of the conspiracy, when a conspiracy that actually came off of that time that I was busted. So just not just one whole case, it was like two cases, sir.

Q. Okay. Were you sentenced at that time?

A. I was sentenced in 1980, sir.

Q. Okay. What sentence did you receive?

A. Nine years, sir.

Q. Okay. Are you still--

A. I am still serving time, sir. I was due to be released, but since these charges came up, then I couldn't be released.

Q. Now, I noticed that in your agreement with the Government there is not to be any forfeiture proceedings of any property that you own; is that correct?

A. Yes, sir.

Q. Is that your understanding of the agreement?

A. Yes, sir.

Q. Okay. Now, if you lost everything in 1979, what is that property that you were protecting by this part of the agreement?

A. A second mortgage I own on a duplex that I sold here in Miami and another duplex that me and my wife own in Tampa, sir.

Q. Anything else?

Any cars or--

A. One car, we making payments on it, sir.

Q. Okay. Now, you told us yesterday about when you decided to get involved in this business that you testified here in court you needed financing and you went to someone by the name of Carlos?

A. Yes, sir.

Q. How long had you known this Carlos?

A. I met him along during my involvement in the drug smuggling, sir.

Q. I am sorry, sir, how long had you known him?

A. Maybe about a year, sir, a year and a half.

Q. Well, was he a friend of yours?

A. Yes, sir.

Q. You knew him pretty well?

A. Enough to trust him, sir.

Q. Okay. And he knew you enough to trust you?

A. Yes, sir.

Q Well, what was Carlos' last name?

A I don't know his last name, sir.

Q You knew him for a year and a half?

A Yes, sir.

Q And enough to trust him and enough to ask him for how much money?

A Just whatever was needed to bring in this methaqualone pills, sir.

Q That turned out to be about $250,000?

A I never said that.

Q Didn't you say yesterday that was the amount that he ultimately financed for you in this-- fronted in this operation?

A Well, he don't keep track of it, sir.

Q Well, why don't you think for a minute and see if you can come--

A At one point he, the day I bought the RICKY VI he gave me $20,000.

Q Yes.

A Which was paid for the RICKY VI and what was left.

Q You mean you bought 14 boats, 14 speedboats going out of the Bahamas, you bought the RICKY VI, you bought the Chris Craft, you bought the LAZY LADY--

MR. MERVIS: Judge, objection, just to

the form of the question, because it assumes that all 14 were bought and I do not think that is the testimony.

MR. LAZARUS: That is my understanding of the question.

THE COURT: Just ask the question. You are repeating what you consider the testimony to be.

What is the question?

BY MR. LAZARUS:

Q Well, I guess the real question is, how much money did Carlos front for this operation?

A Maybe about $40,000, sir.

Q Okay. Did Carlos know your last name?

MR. MERVIS: Objection, if he knows.

BY MR. LAZARUS:

Q If you know.

A I don't know, sir.

Q Was Carlos from Miami?

A Yes, sir.

Q Does he live in Miami?

A He used to stay in Miami. He used to travel back and forth to Venezuela a lot, sir.

Q Right, but does he have a house in Miami?

A He gave me a beeper number, sir. He knew where I lived.

Q Knew where you lived?

A Yes, sir.

Q How about you knowing where he lived?

A Well, the way I figure it, he was giving me the money, he was the one that needed to know where I was at all the time, as long as he would give me the money I didn't need to know where he was at, sir.

Q Where is Carlos, the friend of yours whose name you don't know, where is he now?

A I have no idea, sir.

Q Now, Mr. Perez, the agreement that you have with the Government, the way you understand it, you have not been sentenced, yet?

A Yes, sir.

Q It was the basis for your plea, isn't that correct?

A Yes, sir.

Q And the Government is going to wait until they hear what you say in court and then based upon your testimony there is going to be a recommendation made by the Government as to your sentence to the Judge, isn't that your understanding of the agreement?

A No, sir.

Q What was your understanding of the agreement?

A My understanding of the agreement is that

I will plead, going to plead guilty to the one count which is Count I of the indictment, that they drop all the other counts.

Q Right.

A Strictly, to the Judge, the Honorable Judge to decide whether, whatever sentence I would receive. They will make the Judge known of my cooperation but no recommendation will be made, sir.

Q But unless, and the Government's statement to the Judge about this cooperation, about your cooperation is based upon how happy they are going to be with your testimony in this case; isn't that correct?

MR. MERVIS: Objection as to what the Government--

THE COURT: Counselor, now is not the time for the argument. That calls for a question of conclusion of the Government's reaction. You see, you may ask him what his understanding of the situation is, which is perfectly proper.

BY MR. LAZARUS:

Q Yes. The question is, isn't that your understanding of the agreement, Mr. Perez?

THE COURT: What is that? Let's ask the question again because we have been through some of the matters.

* * * * * * *

indictment involving my defendant and this defendant.

THE COURT: All right. Anything else? Bring them in, please, sir.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

Thereupon:

DAVID PEREZ, JR.

resumed the witness stand and, having been previously duly sworn, was examined and testified further as follows:

THE COURT: All right, sir, proceed, please.

MR. LAZARUS: If it please the Court.

CROSS EXAMINATION [Continued]

BY MR. LAZARUS:

Q Mr. Perez, good morning.

A Good morning, sir.

Q If you remember yesterday, we were discussing this agreement that is codified in this letter to your attorney, between yourself and the government, which is Government Exhibit 4 in this case.

A Yes, sir.

Q Now, do you remember in this letter you agreed that you would truthfully and without reservation disclose to the government investigators and prosecutors all information concerning the activities of yourself and others, and will truthfully and without reservation testify in any civil or criminal trial or other proceedings with respect to this criminal case or any other indictment or investigation in which you have inform ation.

This obligation of truthful and unreserved disclosure includes an obligation to provide upon request any documents, records or other tangible evidence within your control.

Do you remember that?

A. Yes, sir.

Q. And, you have also agreed to assist the government office in the conduct of their own investigation and of others provided that your own safety is not jeopardized unreasonably.

Do you remember that also in this letter, don't you?

A. I read it twice, sir. Yes.

Q. Okay. And, in fact, you have made full and complete disclosure to the government about your activities, haven't you?

A. Would you repeat the question again?

Q I said, isn't it a fact you have had many discussions with government agents, haven't you?

A That--not many, but some, sir.

Q Okay. In those discussions you have made a full and complete disclosure of your activities?

A This particular activity here? Yes, sir.

Q And other activities, haven't you?

A Not yet, sir.

Q But in this activity you have made complete disclosure?

A Yes,sir.

Q Okay.

By the way, did you tell the government that you did not pay taxes on this $300,000 that you earned?

A I, I do not think I had any duty to, making illegal money.

Q The answer to my question is no?

A No, sir.

Q And, did you tell the government that you did not pay any taxes on the $535,000 that you earned in '78?

Did you tell them that?

A No, sir.

Q And, your good friend, Carlos, whose

last name--

MR. MERVIS: Objection as argumentive, objection as to form.

THE COURT: Counsel, just ask the questions. Do not make argument now, please, just ask the questions.

BY MR. LAZARUS:

Q Okay, and Carlos--did you tell the government his beeper number?

A Yes, sir, I got it on my phone book, sir.

Q The beeper number is on the phone book?

A Yes, sir.

Q Okay. You did not tell them where he lived?

A Like I say yesterday, sir, I didn't know his address, sir.

Q And you did not give them information that might help find him?

A Yes, sir.

Q You did?

A Sort of, sir.

Q Excuse me?

A I described him, sir.

Q You described him?

A Yes, sir.

Q Well, based upon that description, have they found him?

MR. MERVIS: Objection. Can I--objection, relevancy as to whether they found him or, beyond the scope of this witness' knowledge.

THE COURT: The objection is sustained. What is next?

BY MR. LAZARUS:

Q Mr. Perez, isn't it true that you have been protecting Carlos and you will continue to protect Carlos?

A Sir, I would not protect nobody. I am sorry for everything I have done in the past and I am willing to say everything I have done based upon the truth and I will not hide anything.

Q You won't hide anything?

A No, sir.

Q Okay. Telling the government about your assets, you mentioned some of your assets here in court yesterday; isn't that correct?

A Yes, sir.

Q Did you tell them about property that you have or controlled in Brazil?

A I do not have any property in Brazil, sir.

Q And, don't you, either in your family or in the name of others close to you have property here in this area that you have not disclosed to the government?

A The government knows everything I have, sir.

Q All right. Now, you bought a Chris-Craf for the venture that you have discussed?

A If I bought a, I bought a Pembroke, sir, later on. Not a Chris-Craft.

Q Well, didn't you talk yesterday about a Chris-Craft?

A RICKY VI.

Q No.

A I did not buy any more boats, sir. Those boats were rented.

Q The Chris-Craft you talked about yesterday was rented?

A Yes, sir.

Q Okay. And the RICKY VI you bought?

A With the money that Carlos provided me, sir.

Q Okay. How much money was that?

A We paid somewhere around $16,000 for the boat.

Q The RICKY VI? How about the K-D?

A I did not buy the K-D, sir.

Q Okay. And the Chris-Craft was rented, also?

A Yes,sir; all the boats.

Q And, how much was the rent?

MR. MERVIS: Objection. I think he was not finished with his answer.

THE COURT: No, he wasn't.

MR. LAZARUS: Continue your answer. I am sorry to interrupt.

THE WITNESS: All the boats besides the RICKY VI, the boats that, owners of the boats, are willing to make money off of them for the certain prices, like fifty, seventy-five thousand dollars, hundred thousand dollars, they let you use it for this purpose, sir.

BY MR. LAZARUS:

Q Okay, but the RICKY VI you bought?

A Yes, sir.

Q And the Chris-Craft you rented?

A Yes, sir.

Q And what was the rental on the Chris-Craft?

A It one of those proofs, bills in there, sir. Like I say yesterday, when I explaining the paper that in there is the guy, the name of Pipo, the way I know him, he received, too, as payment, he received some marijuana.

Q So, the Chris-Craft you paid for and rented for marijuana?

A Yes, sir.

Q Okay. And the Lear jet, did you rent that Lear jet with marijuana?

A No, sir.

Q And, how much was the rental of the Lear jet? How much?

A $6,500, sir.

Q And these various speedboats that you have used from time to time, were those all paid for in marijuana?

A Some of it, unless they don't make, they don't bring the load in, sir, they don't get paid. Once the boat, the load is in, some of them got paid in marijuana. They was supposed to get paid in money but since the marijuana was so low quality and we could not sell it and get the money right out front, and it was taking too long and most of these gentlemen knew that I was going to prison, they wanted to, some of them wanted to make sure that they collected the money, so they collected this marijuana, sir.

Q And that was collected, the marijuana?

A Yes,sir.

Q Now, have any of these boats that were rented, you did not pay any money for any of them?

A Some of them in money in there, sir.

Q Some of them in money where?

A Some of them I paid money, sir.

Q In money, and how much money did you pay?

A It would be hard to remember. Some of them got twenty-five, some of them got thirty thousand, some of them got seven thousand; depends on the amount they brought in, sir.

Q When you are, are you saying that you paid them after or did you pay them any money in front?

A Sir, I didn't have no money to pay nobody up front.

In this particular business, nobody gets paid up front, sir.

Q Nothing up front except for like a Lear jet or the RICKY VI, you paid that up front?

A I don't think the Lear jet was involved in any drug deal, sir.

Q No, I understand that, but it was part of this and you used part of the money that you, didn't you, for the Lear jet?

A. Yes, sir.

Q. Okay. Now, what other money did you spend?

You took these air trips back and forth, didn't you?

A. Yes, sir.

Q. Flying down to the Bahamas and to Miami?

A. Yes, sir.

Q. All right. How much money did you spend in your air trips and hotel and food, stuff like that?

A. Be hard to remember, maybe forty-five, fifty thousand dollars.

Q. Did you spend that much?

A. Yes,sir, it takes a lot of money.

Q. And Carlos helped you with that money when you needed it?

A. In the beginning he helped me until he find out that the quaaludes was lost, so when the guy that controlled the speedboat was--the name is Miquel--kept financinq with money, he kept helping me with money, sir.

Q. So, once Carlos stopped helping you then Miguel started helping you?

A Since Carlos, my agreement and Carlos' agreement was on the quaaludes. When he find out that the quaaludes were kind of lost and we have so many problems, these people, since the money comes in, when the money starts coming in, he, you get a lot of money, you seem to lose respect for money, so really when a guy's got a lot of money, he doesn't care whether he loses thirty or forty thousand dollars, sir, sometimes it is, they just pull off the deal and they feel they are better off by losing thirty thousand and by losing more, sir.

Q Then this Miguel, he helped you, he is not in court here today, is he?

A No, sir.

Q Now, you talk about the sunken ship in the Bahamas. That is a ship that has been sunk, isn't that a very famous landmark in,right off Bimini?

MR. MERVIS: Objection as to whether the witness knows it is famous in the general, for the general public.

THE COURT: Overruled. You can answer the question.

BY MR. LAZARUS:

Q If you know.

A Most of the smugglers knows that, know that, it is pretty famous, sir.

Q Isn't it a fact it is also known as the concrete ship?

Have you ever heard it called that?

A No, sir.

Q Do you know that it is a concrete boat?

A To me, I knew when I seen it over there, it seemed like a steel hull, sir.

Q Okay. Did you know that that also became a reef, that is, with living organisms and fish feed off the organisms so it is a diving spot where people scuba dive?

Are you aware of that?

A No, sir.

Q And fish around that area?

A I know they fish around that area, sir.

Q So there is always a lot of boats and people in that area?

A Might have been in the past, sir. Most of the boats around this area when I was there, I knew, most of the speedboats around that area, sir, because you knew what they were waiting for, sir.

Q There is also people diving and fishing there?

A Diving and fishing?

Q Yes.

A While we were conducting our operation, that is what you are asking me, sir?

Q Yes.

A I didn't see nobody diving, sir.

Q Okay. For instance, that picture you took, you said that was two pleasure boats right off of this ship that was unrelated to your activity, isn't that correct?

A On the picture I seen two pleasure boats, sir, yes.

Q Okay.

By the way, that boat, that VIVIANA you testified about, that captain in this boat you said was named who?

A Negro Diaz, they called him El Negro Diaz, sir.

Q He is not here, is he?

A No, sir.

Q The second captain was named Victor?

A If I remember right, yes, sir.

Q He is not here, either, is he?

A No, sir.

Q Have you ever been in Barranquilla, Colombia?

A No, sir.

Q Have you ever been in Colombia?

A No, sir.

Q What is the size of that vessel, the VIVIANA?

A Like I say, yesterday, I am not a boat captain. I figure between 90 to 100 feet, sir.

Q And, how long were you--

A And you--excuse me a minute--that is, might be, you know, like I say, I'm not a boat captain and I didn't measure the boat when I was on top of the boat, sir.

Q Okay. And what color was that boat?

A White, sir.

Q And what was it made of, I mean, a steel craft, wood?

A As far as I could see, it was a steel craft, sir.

Q Okay. What color was the deck?

A I wouldn't remember, sir. I wouldn't remember. I was not looking for the color on the deck, sir.

Q Okay. But you were looking hard enough to see which people on that boat took the quaaludes off, weren't you?

A Well, I wasn't really looking at the people taking the quaaludes, I was looking at nobody stealing any boxes, sir.

Q Now, you say when the marijuana was brought here to this country and was stored in a farm in Homestead?

A Yes, sir.

Q Who owns that farm?

A A guy by the name of Ricky or Dick, Dick.

Q And this other Dick or Ricky, do you know his last name?

A I don't know his last name, sir.

Q What would you say was the value of this marijuana that was on that farm, what was it worth?

A When I first discussed it with Jaime, I figured we are going to be worth somewhere around $5,000,000 or so.

Q Of course, it was low quality so it turned out to be worth less?

A Yes.

Q But you left originally what you considered to be $5,000,000 of marijuana with Dick, no last name?

A May I explain something?

Q Sure.

A In this business which is a pretty bad business, you got to trust everybody or you don't trust nobody, sir, and I got to go by everybody's word when I need somebody, which I had known this particular person which is Dick, by Stepfather, and I know how to get to the farm, it is pretty difficult for anybody to take off with some merchandise worth $5,000,000, because they--and they knew that Colombians would be looking for them and a lot of people going to be looking for them, sir.

Q Of course, a lot of people, as you say, you trust everybody or you don't trust anybody, a lot of the people, a lot of those people you talked to, Carlos, Dick, have trusted you not to give them up if you got yourself in a jam, isn't that correct?

A Yes, sir.

Q Okay.

You talked yesterday about renting a Lear jet.

We discussed that and you went to rent a car and you couldn't rent the car, is that correct?

A When I picked Jaime up, yes, sir.

Q Yes, sir. Were you able to rent the Lear jet but not a car?

A I rented the Lear jet through a, through another person, sir.

Q I see. Excuse me.

A I said I rented the Lear jet through another person, sir.

Q Who was that person?

A The owner of it, the one that give me the receipt, Arrow Freight, sir. I asked him if he could find a, an airplane and to go to Colombia, and he told me he couldn't go to Barranquilla because he needed sort of a special permission that was going to take three days, so that I had to arrange where I was to pick up to go to Panama, instead of picking him up in Barranquilla, because it was easier to, this particular airplane, they don't have to wait to get permits on it, sir.

Q I am having a little trouble hearing you or understanding you.

Repeat that last sentence, if you would.

A Okay. When I asked him to send a Lear jet to Barranquilla, he told me he going to have to wait two or three days until we get a special permit to go into Barranquilla and I called Colombia and I discussed with Jaime the fact that he would go to Panama, so he decided he would go to Panama and the Lear jet went to Panama to pick him up, sir.

Q In your career, Mr. Perez, as a drug smuggler, have you ever cheated anybody?

A In what way, sir?

Q In any way.

A I wouldn't know which way you mean unless you specify, sir.

Q Okay. In other words, you may have cheated somebody in some unspecified way?

MR. MERVIS: Objection. That is argumentive.

THE COURT: Ask the question, please, counselor.

BY MR. LAZARUS:

Q Have you ever lied?

A I do not think so, sir. I do not think so.

Q Isn't it true that you have been lying in some part in putting some innocent men in places where you felt the government wanted them to be to help yourself in this case?

A No, sir.

MR. LAZARUS: I have no further questions.

MR. LICHTER: If it please the Court, I wonder if I could move the chart so it faces--

* * * * * * *

EXHIBIT 5

[EXCERPT]

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 82-643-Cr-JE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIME GUILLOT-LARA, FERNANDO RAVELO-RENEDO, GONZALO BASSOLS-SUAREZ, ALDO SANTAMARIA-CUADRADO, a/k/a Rene Baeza-Rodriquez, RENE RODRIGUEZ-CRUZ, DAVID LORENZO PEREZ, JR., HECTOR GONZALEZ-QUINONES, a/k/a Frank Bonilla, JORGE FELIPE LLERENA-DELGADO, JOSE DOMINGO MARTINEZ-VALDES, a/k/a Jose Luis Martinez, JOSE RAFAEL MARTINEZ, a/k/a Pepe Gato, CORNELIO RAMOS-VALLADARES, a/k/a El Cori, ALBERTO CORTEZ, LEVINIO OROBIO-MICHELENA, and JULIAN LOSADA, a/k/a Cachaco,

Defendants.

U.S. Courthouse,
300 N.E. First Ave.,
Miami, Florida,
February 7, 1983.

The above entitled matter came on for trial before The Honorable JOE EATON, United States District Judge, and a jury, pursuant to notice.

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* * * * * * *

Thereupon:

MARIO ESTEVEZ-GONZALEZ

was called as a witness on behalf of the Government who, after first having been duly sworn by the Clerk was examined and testified through the Interpreter, as follows:

DIRECT EXAMINATION

BY MR. GREGORIE:

Q Sir, would you state your full name and spell your last name for the Court and jury, please?

A Mario Estevez-Gonzalez, E-s-t-e-v-e-z.

Q Mr. Estevez, will you tell us, please, when you were born?

A January 1st, 1950.

Q And, where were you born?

A In the City of Havana, Cuba.

Q Sir, do you have a speech impediment or difficulty of some kind?

A Yes.

Q And, what is that, sir?

A I stutter.

Q And, as a result of that difficulty, sir, have you been called by a nickname of some kind?

A Yes.

Q And, what is that, sir?

A. The Stutterer.

Q. Now, sir, how much education have you had?

A. Pre-University.

Q. Where did you receive that education, sir?

A. In Havana, Cuba.

Q. Did you ever have occasion, sir, to serve in the armed forces in Cuba?

A. No.

Q. Did you ever serve in any ministry of the government of Cuba?

A. Yes.

Q. And, what was that, sir?

A. Ministry of the Interior.

Q. And, in working for the Ministry of the Interior, did they give you any kind of specialized training?

A. Yes.

Q. And, what specialized training was that, sir?

A. Spy.

MR. SANFORD: Objection, Your Honor.

THE COURT: State it, please, sir.

MR. SANFORD: I think it is a conclusion

that he was training, specialized training, and he said spy. That may be an occupation, but--

THE COURT: It is his own, it is not someone else's. Overruled.

MR. SIBILA: Your Honor, if the translator can stand on the other side, so I can see the witness.

THE COURT: Overruled. You go ahead, please, sir.

BY MR. GREGORIE:

Q Did you receive some training, sir, as a member of the Ministry of Interior?

A Yes.

Q What was that, sir?

A In 1976 I became a first class Sergeant.

Q Now, sir, can you tell us over what period of time did you receive training in the Ministry of Interior?

A Well, I received training several times.

Q And where, when did that training end, sir?

A My final training was in '79.

Q Did there come a time, sir, when your training was complete and that you were sent on a mission outside of Cuba?

A. Yes.

Q. And, when was that, sir?

A. In March of '79.

Q. And, where were you sent, sir?

A. I was preparing my trip via Spain but in '80 I came via Mariel.

Q. When you say you came by way of Mariel--

MR. SANFORD: The answer was not responsive to the question.

THE COURT: Overruled.

BY MR. GREGORIE:

Q. When you say you came by way of Mariel, would you tell us how you came by way of Mariel.

What did you, fly? Take a boat?

A. In a boat.

Q. And, had you received specific orders when you came to the United States at that time, sir?

A. Yes.

Q. And, what were those orders, sir?

A. To infiltrate Alpha 66.

Q. And, for how long were you on that mission, sir?

A. Two and a half months.

Q. And, after two and a half months, sir, did something occur which ended this mission?

A Yes.

Q And, what was that, sir?

A I sank two boats to them and I destroyed them a great deal economically.

Q And, as a result of that, sir, what did you do?

A I went back to Cuba.

Q And, where in Cuba did you go, sir?

A To Punta Ehicacos Varadado.

THE INTERPRETER: P-u-n-t-a E-h-i-c-a-c-o-s V-a-r-a-d-a-d-o.

BY MR. GREGORIE:

Q And, did you meet anyone there, sir?

A Yes.

Q And, who did you meet there?

A To my boss.

Q Who is that, sir?

A Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain of the Cuban Intelligence.

Q And, did you go anywhere with these men?

A Yes.

Q Where did you go?

A I went to Havana.

Q And, did you speak with Lieutenant Colonel

Nelson and Carlos and Captain Euphrain when you were in Havana?

A Yes.

Q And, what did they say to you in Havana, sir?

A That for reasons of work I had to start a new work, a new job.

Q And, did they tell you what the new job was, sir?

A Yes.

Q And, what was that?

A To start doing contacts with persons in Bimini.

Q Did they give you any other instructions while you were in Havana, sir?

A Yes.

Q. And, what was that, sir?

A I will have to explain to you all the instructions. No?

Q Well, sir, can you tell us concisely, sir, what the nature of the instructions was?

A Well, first they were a little bit, I wouldn't know how to say it, no, but then Nelson came and said to me:

"Mario, you are going to have to start

making contacts with the smugglers."

Then I said to him, "Which smugglers?"

And then I was told with the traffickers and several orders, they gave me $5,000 for expenses.

Q And, when you say, "traffickers," sir, did they explain to you what kind of traffickers?

A Yes, marijuana and cocaine.

Q Did you ever receive any instructions, sir, on drugs or narcotics of any kind?

A Yes, at that same time.

Q And, what sort of instructions did you receive, sir?

A Well, I myself, didn't know in my country that type of drug is not known, no. The only thing that is known is marijuana and this by the low class people, and then I was from July the 29th until the 8th or the 9th, I do not remember, and I saw explanations about marijuana to know how to introduce myself to them. And I was ready about 8 or 9, and I left for Bimini.

Q 8th or 9th of what, sir?

A Of October, of July, August, August.

Q As a result of these orders, sir, did you begin trafficking in drugs?

A Yes.

Q Over what period of time, sir?

A Between, I started working with the drug on August the 12th.

Q And sometime, sir, were you arrested?

A Yes.

Q And, when was that, sir?

A In November the 29th, on November the 29th of 1981.

Q And, did you go to prison as a result of that, sir?

A Yes.

Q Here in the United States?

A Yes.

Q And, at some point, sir, while you were in prison, did you agree to cooperate with the United States?

A Yes.

Q And, would you tell the Court and jury, sir, what you agreed with the United States?

A What I would, what I agreed to do?

Q Yes.

What did you agree to do?

A Look, when I started with the drug as a Communist and a son of the revolution--

MR. LAZARUS: Objection, Your Honor.

THE COURT: Ask the question again, please.

MR. GREGORIE: I will try it again, Your Honor.

BY MR. GREGORIE:

Q Sir, did you arrive at an agreement with the United States as to what sentence you would receive?

A Oh, excuse me, I didn't understand. They told me, yes, I did have an agreement.

They told me that I didn't have, that that was left in the hands of the Judge, that they couldn't do anything but they did not promise me anything.

Q Have you received any money from the United States?

A Yes.

Q And, did you receive a sentence from a judge at some time?

THE INTERPRETER: From the judge?

MR. GREGORIE: Yes, from the judge.

THE INTERPRETER: From the judge, what?

BY MR. GREGORIE:

Q Did you ever receive a sentence from the judge at some time?

A A sentence?

Q Yes, a sentence.

A Yes.

Q And, how much time did you serve in jail, sir?

A I think it was ten or nine months. I don't remember what.

Q Now, sir, drawing your attention to September of 1980, did you receive any instructions from anyone as to what you were to do?

A Yes.

Q Who gave you the instructions?

A The Lieutenant Colonel Nelson and Captain Euphrain.

Q And, where did you receive those instructions?

A In Havana.

Q Would you tell the Court and the jury what it is that they said to you and what you aid to them.

MR. SANFORD: Objection as to hearsay.

THE COURT: Well, we had considerable discussion about this already without objection. I find that to be an interesting matter of law. We will have to discuss it.

You ladies and gentlemen step outside a

minute.

[Thereupon, the jury retired from
the courtroom, after which the
following proceedings were had:]

THE COURT: Why is it not hearsay for the government?

MR. GREGORIE: Well, Your Honor, these two gentlemen are unindicted co-conspirators and although we are not certain of their true identities, these two individuals are of this chain of conspiracy and the conversations with them are admissible against all of the other defendants as part of the conspiracy.

THE COURT: Who were the first people that this man was discussing with the jury that had given him instructions?

MR. GREGORIE: Lieutenant Colonel Nelson, Captain Euphrain and Lieutenant Colonel Carlos.

THE COURT: Who are these people he is talking about?

MR. GREGORIE: The same individuals, Your Honor.

THE COURT: Why was not it hearsay before and is now, Mr. Sanford?

MR. SANFORD: Judge, I thought it was hearsay before, also. I did not make an objection before because my position is that this man's testimony, particularly at this point, has absolutely nothing to do with my client, a decision on my part whether or not to make an objection, but I think that at some stage when we reach repeated hearsay, I have an obligation to my client, even though it may not directly affect him to raise that objection.

THE COURT: All right.

MR. SANFORD: That is why I did it at this time.

THE COURT: This does not affect your client, you say?

MR. SANFORD: I don't, perhaps in the overall charge before the Court, but I think some of the other preliminary matters, the instructions to infiltrate Alpha 66, for instance, have nothing to do with my client, nothing to do with this case, for that matter.

THE COURT: How about getting involved in the drug business and in Bimini and elsewhere?

Does that have anything to do with your client?

I am just wondering whether or not we can waive and get certain evidence in and then later resist certain other evidence without the Court having to consider whether or not this has been a waiver. That is all.

The reason I am asking you these questions, I am not baiting you, but would you have the man go ahead and answer the next question, please? Have the interpreter--

MR. LICHTER: For the record, Judge, I have been studying the list of the bill of particulars given to us by the United States of America, which is a list of the unindicted co-conspirators, and did not see a Lieutenant Colonel Carlos or Lieutenant Colonel Nelson.

MR. GREGORIE: It is the government's position and I will be glad to establish it, that these witnesses, these are neither true nor correct names, and these are among the list of unindicted co-conspirators who the United States Grand Jury are aware of, those identities. And, however, I feel it irrelevant to go into it with these witnesses in front of the jury.

I will be glad to have the witness tell you that he is sure that that is not their real names, and he has, his testimony is that they never dealt in real names.

The government's position is that their true identity is unknown.

THE COURT: Well, now, we shall take a few minutes and embark on a little discussion of what is the significance of whether somebody is given a list of unindicted co-conspirators, what-have-you.

The very fact is, as surprising as it is to me, after all these years, we are talking about the question of agency, the same as if we were trying a tort case, or any other kind of case, so, admissibility comes in, if in fact there is a predicate laid that an agent is speaking for a principal or a partner is speaking for a partner.

The law of conspiracy as to admissibility of evidence is the law of agency, which is as old as the rules of evidence, which a lot of folks simply do not seem to understand.

However, it is necessary to have the proffer that you are speaking of and I want you to go ahead and ask your question again and let's see what the answer is.

The question really is, is there sufficient predicate for the Court to determine that this speaker is an agent of a defendant or the defendants in this case.

Now, would you please have him answer that question, if you would like to proffer the question again for my benefit, it would be helpful.

BY MR. GREGORIE:

Q Mr. Estevez, would you tell the Court, please, what Mr. Euphrain and Mr. Nelson said to you and what you said to them in Havana?

A At what time?

Q When you met with them in September of 1980.

A In September of 1980?

THE COURT: Wait, just a minute.

THE WITNESS: I had already made contact with the people.

THE COURT: Wait, just a minute.

Mr. Gregorie, when did the man say he was in the United States infiltrating and sinking vessels?

MR. GREGORIE: He said, Your Honor, he said that was sometime between July or sometime between July and September of 1980.

Your Honor, he said he returned, I think he said it was in August of 1980 after sinking the vessels and that I then asked him where he was at the end of September, 1980, and drew his attention to the end of September, 1980 and asked that, if he met with anybody at that time.

THE COURT: Now, what date, if any, did he affix to his discussions about going to have to get in the marijuana business?

MR. GREGORIE: That was when he returned after sinking the vessels, Your Honor, in August of 1980.

THE COURT: You are now asking him about a period which you say, or you expect him to say, is September of 1980, is that correct?

MR. GREGORIE: I believe my question was, Your Honor, I asked him to draw his attention to the end of September, 1980, if he would tell us where he was and he said that he was in Havana.

THE COURT: All right. Now, going from there, please, sir.

BY MR. GREGORIE:

Q Okay. Can I step back, then, Your Honor?

Can you tell us, I am going to ask you, sir, to draw your attention to September of 1980, the latter part of September.

Where were you at that time?

A In Havana.

Q And, did you meet with anybody in Havana at that time?

A Yes.

Q Who did you meet with?

A Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain.

Q At that meeting, sir, would you tell us, identifying the speaker, who said what to whom?

A Captain Nelson told me in these words:

> "It is important for us to fill the United States with drugs."
>
> Then I told him, "Well, if it has to be filled with, let's do it."

Q Did he give you any specific instructions, sir?

A Yes.

Q And what, who gave you the instructions?

A Captain Euphrain.

Q And what instructions did he give you, sir?

A To go back to Bimini and to make contact with Frank Bonilla.

THE COURT: All right.

Now, remind me, or allow the Court to anticipate evidence regarding this man's activities in reference to this circuitous voyage we have been hearing about.

My question is unclear?

MR. GREGORIE: Yes, Your Honor.

THE COURT: What happened after that to this man?

MR. GREGORIE: After?

THE COURT: After he was told to go and see Frank Bonilla.

MR. GREGORIE: Yes, Your Honor. Do you want me to--

THE COURT: Just proffer it for me yourself.

MR. GREGORIE: Oh, I see. After that he then goes to Bimini and meets a gentleman by the name of Pepito, who points out Frank Bonilla to him. Frank Bonilla comes up and introduces himself and Bonilla tells Mario that he, Mario Estevez, the witness, that he is to work on the boat LAZY LADY and thereafter Mr. Estevez takes over as captain of the boat, the LAZY LADY.

THE COURT: All right, sir. And, Perez' long discussion about this gentleman--

MR. GREGORIE: That is correct.

THE COURT: --on the stand?

MR. GREGORIE: Yes, Your Honor.

THE COURT: Now, you gentlemen, as I understand it, all defendants join in and object on the grounds that it is hearsay, all of this testimony that has been adduced and that we anticipate on the grounds that there is, has not been a sufficient predicate laid for it to com e in as testimony of a co-conspirator or agent to be admitted against each of your individual clients, correct?

[All defense counsel replied in the affirmative.]

THE COURT: All right.

Now, the objection will be overruled and you can see if the jury is ready, now, sir.

MR. GREGORIE: May I ask that the witness be instructed that the questions will be asked again?

I believe he is unfamiliar with our system and it may be confusing to him.

THE COURT: Just let the translator translate what you are telling me.

THE WITNESS: Okay.

MR. GREGORIE: Thank you, very much.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

THE COURT: All right. Have a seat. Proceed, please, sir.

MR. GREGORIE: Thank you, Your Honor.

BY MR. GREGORIE:

Q Sir, drawing your attention to the latter part of September of 1980, can you tell us where you were?

A In Cuba.

Q And where in Cuba were you, sir?

A Well, in Havana, at the Riviera Hotel.

Q And, did you meet with anybody there at that time, sir?

A Yes.

Q And, who did you meet with?

A Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain of the Cuban Intelligence.

Q And, can you tell this Court and jury, sir, identifying the speaker, who said what to whom at [illegible]at meeting?

MR. LAZARUS: Objection. May I approach the bench? I have a point that, Your Honor, I want to raise to the Court at this time.

THE COURT: Something that has come up within the last few questions?

MR. LAZARUS: Something that occurred to me that has not been raised up until now, Your Honor. I apologize for not raising it previously.

[Thereupon, the following sidebar conference took place outside the hearing of the jury:]

THE COURT: The answer to your problem is notwithstanding the fact that this fellow says they were engaged as undercover spies, this nevertheless was, in fact, a part of the conspiracy to import drugs into the United States, but what is your position?

MR. LAZARUS: Okay. Two things, Your Honor. First I am, I simply want to raise the point that I think that may have well established a separate conspiracy, but I do not think it is the same one here. But that is not my objection now. My objection to what is coming in and I believe that is going to be a statement that the Cuban government wanted to flood the United States with drugs, and I think it is highly prejudicial.

THE COURT: Why?

MR. LAZARUS: And I do not, 404, it shows our men, it is not relevant to the issues in this case, what the Cuban government's policy is. I think that it can inflame the jury and for that reason I think this particular testimony should be stricken.

THE COURT: All right. Now, what does it matter if these people committed a crime, counselor, whether or not the Cuban government wanted to flood the

United States with drugs?

MR. LAZARUS: I agree with Your Honor. It makes no difference.

THE COURT: I am asking this gentleman.

MR. GREGORIE: Not only they say that, but in the next instruction for him, is to go to Bimini and meet Frank Bonilla and carry, or the instructions to Frank Bonilla who is a co-conspirator in this case, the instructions were given, part of this conspiracy, Your Honor.

THE COURT: Oh, I understand. But the question is, if a bunch of guys got together and imported, and conspired to import drugs, what difference does it make if they are doing it for ten billion dollars or because the Swiss wanted them to or the Cuban government wanted them to or the Canadians wanted them to or any government wanted them to. That is the simple question.

MR. MERVIS: I have not stated that any particular government, Your Honor, I do not think the witness has identified specific individuals who stated it is important that we brinq into, drugs into the United States, and he identified who by meeting with these specific members of the conspiracy.

THE COURT: No, but you see, I have been

through seven or eight of these cases where the government enjoyed so much talking about the spies and instructions and all, and one of them got reversed because they did and tried it as spies, and they forgot that what they were trying.

Now, the question simply is, what value is it that this is a part of, according to you, of some international effort by the Cuban government as has to do whether or not this jury should find any or all of these defendants guilty of conspiring to bring in the drugs?

MR. GREGORIE: Your Honor, it goes directly to the motive and intent of the conspiracy to accomplish, the two members of the conspiracy speaking at a time with a political motive, and Perez--

THE COURT: Perez may have had a different motive; what difference is the motive? What difference are the motives, what does that have to do with it?

MR. GREGORIE: Essentially, the jury understands the participants.

THE COURT: It is essential that a person who has pled guilty and has testified for the government had a motive before then?

MR. GREGORIE: No, Your Honor. I think

* * * * * * *

reference to Mr. Sanford's motion to produce which he filed at the beginning of this trial concerning internal government documents and memorandum of understanding and whatever protocol.

I wanted to assure the Court that I have been in contact with the State Department and the Department of Justice. Materials responsive to the request are coming here. They would have been here had it not been for the storm. I expect it to be submitted to the Court for purposes of some Brady inquiry, because I think Mr. Sanford was talking to this issue as well.

I just wanted to give the Court as well as counsel a report as to that.

THE COURT: All right. Fine. Bring the jury in, please, sir.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

THE COURT: All right, sir.

MR. GREGORIE: May I proceed, Your Honor?

THE COURT: Yes.

BY MR. GREGORIE:

Q Mr. Estevez, before we broke you told us that in the latter part of September of 1980 you were at a meeting in the Riviera Hotel in Havana, Cuba.

Would you tell us again, sir, who was present at that meeting?

A. Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain.

Q. And, will you tell the Court and jury as best you remember, sir, what they said to you, identifying the speaker and what you said to them?

A. Then they, at first were--excuse me-- Lieutenant Colonel Nelson had somewhat, some kind of pressure in order to speak, no, then he said to me in these words:

> "It is important to fill up the United States with drugs."
>
> Then I said to him, "If it is important, let's fill it up with them."

Q. Did anyone at that meeting give you any specific directions?

A. Yes.

Q. And, who was that, sir?

A. Lieutenant Colonel Nelson and Captain Euphrain.

Q. And, what did they say to you, sir?

A. To contact in Bimini Mr. Frank Bonilla.

Q. Had you ever met a Frank Bonilla?

A I had heard his name mentioned but I didn't know him.

Q Did you go to Bimini, sir?

A Yes.

Q Did you attempt to find Frank Bonilla?

A Yes.

Q And, did you find him, sir?

A Yes, by means of Pepito.

Q Who is Pepito?

A Pepito is a man who--

Q If I may, Your Honor, excuse me because of the language difficulty, Your Honor, if I may rephrase the question.

Was Pepito a friend of yours?

A Pepito in himself was not my friend, but I knew him and he was the one who gave me to start with the business people in Bimini.

Q And, how did he, how did you meet Frank Bonilla?

A I was on the boat, and a boat went by by the name of, that is my problem, the LAZY LADY, I understand.

Q And, what happened when you saw the boat, the LAZY LADY go by?

A Pepito told me, to, look, there goes

Frank Bonilla.

Q And did you then go introduce yourself to him, sir?

A No, I think that Pepito was the one who told him.

MR. LAZARUS: Objection to what he thought.

THE COURT: Sustain the objection.

BY MR. GREGORIE:

Q At some time, sir, did you meet Frank Bonilla?

A Yes, at a time.

Q And did you have a conversation with him, sir?

MR. SIBILA: Excuse me, Your Honor. Could we get time and place?

BY MR. GREGORIE:

Q Could you remember approximately when this was?

A I arrived at Bimini at about the 10th, the 11th or the 12th. I don't remember very clearly, but the next day of being in Bimini, it was when that happened.

Q Okay. What month was that, sir?

A About in October.

Q Okay.

A Was about the 14th, the 15th.

Q Okay. And, can you tell us, sir, did you have a conversation with Frank Bonilla?

A "My name is Mario."

"My name is Frank Bonilla."

"How are you?"

"Are you going to work in my boat?"

Then we went to the boat and two men and two women were there. And one of the men from Bimini by the name of Pepe, El Gato.

Q Now, sir, do you see the man you spoke to as Frank Bonilla in the courtroom today?

A Yes.

Q Would you point him out for the Court and jury, please?

A It is the first one down there.

Q Could you tell us what color jacket he has on?

A Yes. Blue.

MR. GREGORIE: Your Honor, for the record, the witness has identified the defendant, Hector Gonzalez.

THE COURT: All right.

BY MR. GREGORIE:

Q Do you see the other man you say you knew as Pepe Gato in the courtroom today, sir?

A The man stands up.

Q Do you see him in the courtroom, sir?

A Yes, it is the first, the second one in the line, the one with the eyeglasses.

Q The second from where, sir? From the wall or from the aisle?

A On the first line, the second one from this side, on--

Q From the side, you are referring to the wall or the aisle?

A The, no, no, behind the, behind the--

Q When you say a number in line, sir, are you counting from the wall or are you counting from the aisle?

A Oh, counting from the wall of the courtroom.

Q Okay. Counting from the wall, how far in is he?

A The fourth.

Q The fourth from the wall, sir?

A From Frank Bonilla, the one next, the one next is number three and the fourth one, the one with the glasses.

Q Okay.

MR. GREGORIE: Let the record, Your Honor reflect that the witness has identified the defendant, Jose Rafael Martinez.

BY MR. GREGORIE:

Q Now, sir, do you know the names of any of the other people who were on the LAZY LADY when you first arrived there?

A I didn't know them.

Q Did anyone else come to the LAZY LADY at approximately that time, sir?

A At night, Perez came and El Francese, the French.

Q Sir, I am going to show you what has been marked as Government Exhibit No. 2 in Evidence, sir, and ask you if you have seen that before.

A Yes.

Q And, how many times has that been shown to you, sir?

A To be truthful, I think about five or six times.

Q And, how many pictures did you see in it, sir?

A I see more of them now, you know, I see many new people from the time that they showed me it was about 34 or 35 pictures.

Q And, did they say anything? How did they show the pictures to you, sir?

A Like this, but without anything, they said to me:

"Do you know who this one is?"

And this one and this one. If I knew, I knew some of them and others I didn't know.

Q Did they, did they assist you in any way in identifying any of the pictures?

A I was the one who identified them.

Q And, can you look through there, sir, and see if you see any photographs of the man you have said is the Frenchman?

A Yes, 28.

Q Okay, sir, may the record reflect, Your Honor, the witness has identified Government Exhibit 2-28 in the book.

THE COURT: All right.

BY MR. GREGORIE:

Q Do you see in there, sir, a photograph of the gentleman you have identified as David Perez?

A Yes, 10.

MR. GREGORIE: For the record, Your Honor the witness has identified Government Exhibit No. 2, No. 10 in the book, sir.

BY MR. GREGORIE:

Q After David Perez and the man you have identified as Pepe Gato arrived, did you go out in the LAZY LADY?

MR. TOZO: Judge, that is not the testimony. I object.

THE COURT: Restate your question, please

BY MR. GREGORIE:

Q You said two individuals--

THE COURT: No, just ask the question.

BY MR. GREGORIE:

Q Did you take the LAZY LADY out, sir?

THE INTERPRETER: Excuse me. Can you repeat the question?

BY MR. GREGORIE:

Q Did you take the LAZY LADY out to sea, sir?

A Yes. The next day.

Q And who was on the boat with you when you took it out, sir?

A Well, when we were in the boat we were, David Perez, Clemente, the Frenchman, that is how I know him, Frank Bonilla was there, Jorge Rodriguez, Pepe Gato, El Gato, Guido, Guido was there, and myself.

Q And, did anybody give you any instructions, sir, as to where to go?

A Yes.

Q Who was that, sir?

A David Perez.

Q And, who was present, sir, when you were given the instructions?

A Clemente, the Frenchman was there, and the owner of the LAZY LADY who is Frank Bonilla.

Q And, what did David Perez tell you, sir?

A That we were going looking for a boat of his which was lost with pills.

Q And, can you tell us, sir, in what direction you headed?

A Well, we went south.

Q Did Mr. Perez tell you what kind of pills were on the boat?

A Yes.

Q What kind of pills did he tell you they were?

A Lemmon 714 quaaludes.

Q And, can you tell us, sir, where you went?

A We went to Riding Rock. We went a little bit towards the southeast, southwest, correction, and we went a little bit towards Orange Cay and then we took, towards, then we went towards Isla Williams, and to Andros.

Q Did you stop somewhere, sir?

A Yes.

Q Where did you stop?

A At the same tip of the St. Williams Island.

Q And what did you do at Williams Island, Williams Island?

A Well, the first thing I did was to anchor.

Q Did you go somewhere from Williams Island sir?

A Yes, we went around several times in the morning and we got out of gasoline.

Q Were you able to obtain more gasoline?

A Yes.

Q And, then, where did you go?

A We went to Andros, to Nicholstown, pronounced Nickel Town.

Q And what happened at Nicholstown, sir?

A Well, at Nicholstown, he had a friend of his, he had a friend who was a dealer, a narcotic trafficker.

Q Who had a friend, sir?

A David Perez.

Q And, did you meet with this friend of David Perez?

A Yes.

Q And, did he give you something, sir?

A Well, he didn't give it to me. He gave it to David Perez, a speedboat.

Q And, did you do something with that speedboat, sir?

A Yes. We departed in the morning, Tom and Chummy, who were two of them, two who worked with David's friend, and Clemente, the Frenchman, we went to South Andros. In South Andros we went up to Guinchos, and in Guinchos, at Guinchos we saw a boat.

I went towards that boat and it was David Perez' boat which was on the rocks.

Q Why did you go from Nicholstown in the speedboat to Guinchos?

A Because it is already said, it is a speedboat, and the time is less.

Q Why did you go to Guinchos?

A Oh, I went there looking for David Perez' boat.

Q And, did you find it?

A Yes.

Q And were there any people on the boat?

A Yes, there were about six or seven.

Q And, did you see the name of the boat?

A Well, not at that time, of course, but I don't remember if it was about ten minutes when I entered the boat, but I don't remember if it was the ROCKY or RICKY VI, if it is.

Q Did you meet the individuals who were on the ROCKY or RICKY VI?

A I didn't meet, the one who met was El Francese, Clemente, the Frenchman who was the one who knew them.

Q Do you see any of the individuals who were on the RICKY or ROCKY VI, as you call it, here today?

A Yes.

Q Would you point them out, please, for the Court and jury.

A It is the third one, th fifth and the sixth.

Q Okay. When you say it is the third one, sir, where are you counting from?

A From Frank Bonilla.

Q Okay, sir, the third one?

A The third one is Llerena, the fifth is Jose Luis Martinez and the sixth is El Cori.

Q Okay. Where is El Cori sitting in relationship to Jose Luis Martinez?

A They are next to each other.

MR. GREGORIE: For the record, Your Honor, the witness has identified the defendants, Jorge Llerena, Jose Domingo Martinez-Valdes, also known as Jose Luis Martinez, and Cornelio Ramos-Valladares, also known as El Cori.

THE COURT: All right, sir. Go ahead.

BY MR. GREGORIE:

Q What did you do then when you found the RICKY or ROCKY VI?

A Well, the first thing I did was to go towards where they were, no?

Q Did you take them back in your boat, sir?

A No.

Q Why not, sir?

A Because there was no room for all of them.

Q What did you do? Did you leve them afloat in the water?

A Well, Clemente, the Frenchman, stayed

with them and with a little foodstuff that we had, I gave them a little bit of food and I left.

Q And, where did you go then, sir?

A I went to New Andros--no, North Andros, North Andros.

Q And where in North Andros did you go, sir?

A I arrived to the Coast Guard base.

Q And, did you meet anybody there?

A With the LAZY LADY.

Q And who was on the LAZY LADY at that time sir?

A David Perez was on the LAZY LADY, Pepe, El Gato was on the LAZY LADY, Guido was there, Jorge, Rodriguez was there, and the two Bahamians which helped us with the gasoline at Williams Cay.

Q And, where did you go from there, sir?

A To South Andros, destined to Cuba.

Q And, on this trip, sir, did anybody use the radio on the LAZY LADY?

A Yes.

Q Who used the radio, sir?

A David Perez.

Q And, could you hear his conversation over the radio?

A Yes.

Q Could you tell us what he said and who he spoke to, sir?

A Well, at first he started Balboa, Balboa here, Cartagena, Cartagena, and then he spent about ten minutes, Balboa, Balboa, Cartagena. When no one answered, he took again a sheet which had all the signals, he started Coral, Coral, Coral, here Pearl, here Pearl, Pearl, Pearl.

When no one answered David, who is a little bit, has a little bit of a bad temper, started Guillot, Guillot, Guillot, here David, David.

Q Did Guillot respond?

A Guillot, at first, very far away.

Q And then what happened?

A It happened that they said that the--

MR. LICHTER: Objection. I think it is hearsay and I do not believe a proper predicate has been laid.

THE COURT: No predicate, counsel.

BY MR. GREGORIE:

Q Who said what?

A Guillot told David that--

MR. LICHTER: Still no predicate, Your Honor.

MR. GREGORIE: If it please the Court, Your Honor, I believe the predicate has been laid.

MR. LAZARUS: May we approach, Your Honor?

THE COURT: Now, ladies and gentlemen, in five minutes or so I have got to talk here and I have got to go to a meeting here in this building at noon, so rather than keeping you waiting, we are going to excuse you now. It is 11:45.

I would like to have you back here at 1:30. I believe that I will be finished with what I have to do by 1:30, so we are going to excuse you. I keep telling you folks how busy I am, because I want you to understand it.

If you live long enough around this place, you end up being what they call the Chief Judge and that is, you know, if you survive sixteen or seventeen or eighteen years of work in the court here, by overwork, I mean, you get to be Chief Judge.

You cannot help it, and that is what I am at the moment. So, that is one reason that I have to take some time for meetings and administrative matters and such things as that, so we are not going to be able to get back to you until 1:30.

You may read, buy and read the morning

paper, the Miami Herald of this morning we have screened and it has no story about this in it, so read that, but please, do not read, and I charge you not to read anything else.

Do not listen to news broadcasts and television broadcasts, but you may read the morning paper during the recess.

We will see you ladies and gentlemen at 1:30. Thank you, very much.

[Thereupon, the jury retired from the courtroom, after which the following proceedings took place:]

THE COURT: All right. Have a seat, please, gentlemen.

Proffer this. Go ahead with the question the question and the answer.

MR. GREGORIE: The witness will answer that Guillot says.

THE COURT: Let him answer.

MR. GREGORIE: I am sorry. I did not hear you.

THE COURT: Just let him answer.

BY MR. GREGORIE:

Q I am sorry.

Could you tell us, please, sir, what you heard responded on the radio?

A. That the cars were, that is, that they were--excuse me, this is my problem, my stuttering--that they were in my country, that they were in Cuba.

Q. And what did you understand that to mean?

THE COURT: No, no, just ask him what he heard on the radio.

MR. GREGORIE: That is what he said.

THE COURT: That is not exactly what he said. Just ask him about that.

BY MR. GREGORIE:

Q. What did you hear on the radio, sir?

A. Okay. When David, David was calling and there was no answer, he begins Guillot, Guillot, Guillot here David, David, David.

Then one heard a voice over there, very far away, and then they agreed in getting in touch, I don't remember if it was two hours later or--

THE COURT: Counsel, let me interrupt you I do not want to know what anybody agreed. I want this gentleman to tell us if he remembers, if he remembers and the best that he remembers what he heard, coming over that radio.

MR. LICHTER: Excuse me, Your Honor. My further point is that I have a problem with this witness' ability to identify a disembodied voice.

THE COURT: I am not at this moment concerned about your problem. I want to know when David called and tried to reach somebody, according to him, on the radio, I want to know what this man heard coming out of that radio, not some agreement in his mind or what, what came over the radio. Just ask him the question.

BY MR. GREGORIE:

Q When you heard David speak on the radio, would you tell the Court what response you heard to David's call?

A Well, the only thing we could hear was that the truck was in Cuba, that is the only thing that we could hear.

MR. GREGORIE: That was the answer that I am looking for.

THE COURT: That what was in Cuba?

THE WITNESS: The truck.

THE COURT: The truck?

So that what he heard on the radio, according to him is, you are translating?

THE INTERPRETER: Sure.

THE COURT: That is what you are here for, Luis.

THE INTERPRETER: Some judges don't.

THE COURT: This one says translate what you hear.

THE INTERPRETER: Okay. Fine, Judge.

THE COURT: What the man says over the radio he heard, the truck is in Cuba?

MR. GREGORIE: That is correct, Your Honor.

THE COURT: Did you hear the words spoken:

"The truck is in Cuba"?

THE WITNESS: Yes.

THE COURT: Did you hear any other words come over the radio?

THE WITNESS: There was a great deal of noise.

THE COURT: Did you hear any other words over the radio?

THE WITNESS: Well, words, but I don't recall, well, because it was heard very bad, very poor.

THE COURT: Do you recall any words other than:

"The truck is in Cuba"?

THE WITNESS: No. It was that.

THE COURT: All right. Now, who wants to

Lr

make a, take a position?

MR. LAZARUS: Your Honor, several objections.

Number one, that is hearsay, that this witness, this witness has not supplied, laid any predicate by which he knows who the person was or given us any information as to why he is a member of the conspiracy.

THE COURT: Does anybody else? All right. That proffer will be admissible, counsel.

I would like for you folks to be back five or ten minutes early in case something comes up that you want to discuss.

[Thereupon, the trial was adjourned for a luncheon recess, to reconvene at 1:30 p.m. of the same day.]

Miami, Florida,
February 14, 1983,
1:30 p.m.

AFTERNOON SESSION

[Thereupon, the following proceedings resumed outside the presence of the jury:]

THE COURT: All right, where is your witness, counselor?

MR. GREGORIE: He is here, Your Honor. I believe he is back in the witness room, Your Honor.

THE COURT: I trust there is nothing to be brought up by counsel before we start?

MR. COHEN: A very minor matter, and that is a slight conflict. I have to appear upstairs in an arraignment at 10:00 o'clock.

THE COURT: You have to do what?

MR. COHEN: Appear at an arraignment at 10:00 tomorrow. It should not take long.

THE COURT: Well, all right. I guess we can make some arrangements about that.

How about entering your client a not guilty plea?

MR. COHEN: That will be fine.

THE COURT: All right. We will take care of that.

You can bring the jury in, please.

[Thereupon, the jury returned to the courtroom, after which the following proceedings resumed:]

THE COURT: All right, sir, you can proceed, please.

MR. GREGORIE: Thank you, Your Honor.

BY MR. GREGORIE:

Q Mr. Estevez, when we broke for lunch, you stated that you had heard a radio communication between David Perez and someone else on the other end of the boat radio.

Can you tell us again, sir, what you heard said on the radio?

A At that radio, due to the communication at the beginning of the broadcast, he started Balboa, Cartagena; Balboa, Cartagena; Cartagena, Balboa, about ten minutes, something like that. When there was no communication, he took the paper, a piece of paper where all the signals were and he started saying:

"Coral, Coral, here is Pearl; Coral, Coral, Coral, here is Pearl."

When he saw that nobody answered, he started saying:

"Guillot, Guillot, here David; Guillot, Guillot, here David, answer me."

But he was very angry, he was very--

THE COURT: Excuse me a moment. Ask the question again, will you please.

BY MR. GREGORIE:

Q Yes, sir.

Did somebody answer?

A Yes.

Q What was said when that person answered?

A He said:

"David, David, this is Guillot; David, David, this is Guillot;"

but very bad, that is, it couldn't be tuned very well, too far away.

Q Did David Perez say anything, sir?

A Yes.

Q What did he say and what Guillot say?

A He said, "Answer me where the truck is; answer me where the truck is."

Q And what did Guillot say?

A That the truck was in Cuba.

Q Did you hear anything else in that conversat ion, sir?

A A few more words, very poorly, and what they had agreed was to call themselves in about two hours.

Q As the result of the radio communication sir, did David Perez give you any other instructions?

A No. At that time he didn't give me any instructions. The only thing is that he said:

"Gosh, the thing is in Cuba now."

Q Did there come a time, sir, when you are traveling between Andros and Cuba when you attempted to make a radio communication?

A I made the communication or a contact with Cuba.

Q Was anyone present when you did this?

A I think that they all were sort of looking to it, because that is a boat, I don't know if someone saw me.

Q And, who did you communicate with, sir?

A Look, now, my number for communications for telegrams or for any operation of mine is 4036.

Q Who did you communicate with, sir?

A I communicated with the border guard, if I am not mistaken, at Isabella de Sagua.

Q Did you receive any directions, sir?

A Not at that time. I had to wait.

Q Did you eventually receive directions, sir?

A Yes.

Q What directions did you receive?

MR. LICHTER: Excuse me, Your Honor. I wonder if we could have the identity of the person who is speaking.

THE COURT: I don't know that it is admissible at all, if that, you are raising an objection?

MR. LICHTER: Yes, Your Honor, I am.

THE COURT: There is no predicate for it at this point.

MR. LICHTER: Yes, Your Honor, I am.

THE COURT: Sustained.

BY MR. GREGORIE:

Q As a result of the directions you received, sir, did you do something?

A To go directly to Paredon Grande.

Q Now, sir, did you discuss with anyone the fact that you were heading towards Cuba?

A Sure.

Q Who did you discuss that with?

A It was David Perez, the one who told me that the boat was in Cuba and then I told him that there was no problem, that we were going to enter Cuba.

Q Sir, could you tell the jury again who was on the boat with you at this time, on the LAZY LADY?

A At the LAZY LADY there was David Perez, Frank Bonilla as the owner of the boat, Pepe El Gato was there, Guido was there, Jorge Rodriguez was there, the two Bahamians that, who helped us with the gasoline and this speaker.

Q Did you discuss with anyone besides David Perez the fact that you were heading towards Cuba?

A Every one of us conversed about it.

MR. SANFORD: Objection.

THE COURT: Sir?

MR. SANFORD: Objection, Your Honor, wasn't responsive to t he question.

THE COURT: Overruled.

BY MR. GREGORIE:

Q Did anyone object to going to Cuba, sir?

A That I know, I think that everybody became a little afraid.

Q Did anyone object to going, sir?

A No one.

Q Did you do anything, sir, to insure that you would go to Cuba?

A Yes.

Q What, if anything, did you do, sir?

A What was the question?

Q What did you do, sir?

A The left engine broke down.

Q And, how did it break?

A With a screwdriver.

Q And , who broke it?

A I.

Q As a result of breaking the engine, what did you do, sir?

A I said that because of the breakdown of that nature, this problem, the government would have to take care of us.

Q What government?

A The Cuban government.

Q And, where did you go then, sir?

A To Cuba.

Q Did you have any weapons on the LAZY LADY, sir?

A Yes.

Q Before going to Cuba, did you or anybody else on the boat do anything with the weapons?

A Yes. They threw them out.

Q You say, "they". Who do you mean, sir?

A I am referring to Pepe El Gato, I am referring to Guido, and I don't recall if Jorge Rodriguez.

Q Where in Cuba did you go, sir?

A. To Paredon Grande.

Q. And did you, as you approached Paredon Grande, sir, did you see any ships?

A. Of course.

Q. What ships did you see?

A. I saw two boats which were, which are two Cuban war, Coast Guard boats, one was number 43, which belongs to the Port of El Mariel, and a Soviet torpedo boat.

Q. Did you attempt to signal the boats in any way, sir?

A. As it was agreed, yes.

Q. What did you do to signal the boats, sir?

A. I put up a light, a flare, in my hand.

Q. Did something happen to you? Did something happen to you as a result of holding that flare, sir?

A. Yes.

Q. What happened to you?

A. The weather was bad and because I was at the tip, at the bow of the boat, I had to hold myself with my hand, no, and with the signal light, two times up and then down--correction, because the flare went up and down, then sparks fell on the top of my hand and it burned it.

Q Did the Cuban boat approach the LAZY LADY sir? Did Cuban boats--did the Cuban boats approach the LAZY LADY, sir?

A No. One of them got close to it.

Q And, did they say anything to you, sir?

A Yes.

Q What did they say?

A At first, because one could not hear, I heard:

"Lower down that shit."

MR. LICHTER: Object to this, Your Honor. I think this is hearsay.

THE COURT: Overruled.

BY MR. GREGORIE:

Q What did you say, sir?

A And I said, "What piece of shit?"

Q And, what did they say, sir?

A "That shit."

Q What were they referring to?

A To the American flag.

Q As a result of that, sir, what did you do?

A To lower the flag.

Q And, did you lower it?

A I didn't lower it, I think.

Q Did anybody lower it?

A Yes. Someone did.

Q After that, where did you go, sir?

A To Paredon Grande, which we were already inside Paredon Grande.

Q Can you describe, sir, the port as you go into Paredon Grande?

A Yes.

Q Would you, please?

A When one enters there are two rocks. There is a lighthouse which would be some 29 meters high with two long lights and one short one, which belong to the lighthouse and inside it would be approximately about a square, about a quarter mile square.

Q Did you go--

A Correction, a quarter square mile.

Q Did you go with the LAZY LADY to that inside quarter mile square area, sir?

A Yes.

Q And, what did you do when you arrived there, sir?

A Well, what I did was to anchor.

Q Did you notice any boats in that area, sir?

A. Yes.

When we arrived and we anchored, we saw an old ship by the bow, no, no, sorry, about the stern, and a shrimper from 72 to 78 foot.

Q. How close to it did you come?

A. About some 60 feet, more or less.

Q. Did you, were you able to read a name on the ship, sir?

A. Well, at first I did see a name but it was somewhat erased and it has, it had another name on top of it.

Q. Can you tell us what names you were able to recognize on it, sir?

A. Well, the one that was very well painted was CORAL, but at the back of the boat was the VIVIANA, and David said to me:

"That is the VIVIANA."

Q. How long were you anchored there, sir, before you had contact from anyone else?

A. Between approximately three and a half hours to four hours.

Q. Would you tell us what time, approximately, it was that you had someone contact you?

A. About 2:30 or 3:00, at dawn.

Q. And, what happened at 2:00, 2:30 or 3:00, sir?

A A launch arrived and they said,

"Captain Mario, please."

I think it was Frank, the one who called me because I was sleeping. And then I went in the launch and I went to the shrimper which was a tourist boat.

Q Can you describe this shrimper or tourist boat to us, please, sir?

A That is, we could observe an American shrimp boat, the two mast which served for fishing are taken out, and they were going to put some cafeterias on the deck. Plus at the front, the helm with the galley and the sleeping quarters of the employees with seats at the stern, so that--

Q Was there a cocktail lounge on the boat, sir?

A Yes, they do that for American tourists who go to, who go fishing down there.

Q To your knowledge, sir, was there a fishing tournament or fishing going on at that time?

A One was approaching, that is, it was expected within a week and a half.

Q And, do you know what fishing tournament that was, sir?

A It is the Hemingway Tournament.

Q Did you go on that boat, sir?

A Yes.

Q And, when you went on the boat, sir, where did you go?

A They directed me to a stateroom underneath in the lower portion.

Q And, was anyone there, sir?

A Yes, there were two officers or officials

Q Did anyone speak to you?

A Yes.

Q And what, who spoke to you, sir?

A The one I remember, Rene Baeza-Rodriguez, I remember it, Rene Baeza-Rodriguez.

Q I am going to show you Government Exhibit No. 2, sir, and ask you if you can find a man who introduced himself to you as Rene Baeza-Rodriguez.

A Let's see if he is in, yes, 39.

MR. GREGORIE: The witness, Your Honor, for the record, has identified Government Exhibit No. 2, No. 39 in Government Exhibit No. 2.

Excuse me a moment, Your Honor.

BY MR. GREGORIE:

Q Did you have a conversation with this man, sir?

A Yes.

Q Would you tell the Court and jury, please, what he said to you and what you said to him.

A Well, when I arrived he asked me my name, no? Then, as the, he was my signal, secret signal, I said:

"Rene Rodriguez, Rene Estevez."

Q And, what did he say, sir?

A Then he told me:

"We have been waiting for you for a week and a half. Finally you have arrived."

Q And, what did you say to him, sir?

A "Well, we are ready to unload the boat, no, but I have a breakdown in the boat and I need for a mechanic to come with parts to fix it."

Then he told me:

"Well, we will see about that in the morning."

And he touched me, put his hands on me and said to me:

"Finally you are going to have a pharmacy in Miami."

Q Did you say anything else to him, sir?

A Yes, of course.

Q Did you have any conversation with him concerning anybody else on the LAZY LADY, sir?

A Yes. He asked me, yes.

Q What was said, sir?

A That who should be looked for and I said:

"Well, I think Frank Bonilla, now."

Q And, what did he say, sir?

A "Well, let's go and get him."

Q And, what happened then, sir?

A I, Frank Bonilla came with David Perez together.

Q And when they arrived, sir, where were you?

A When they arrived, I was still down.

Q Did the man you identified as Rene Baeza-Rodriguez say anything to you about either Mr. Perez or Mr. Bonilla when they arrived?

A Yes, that with whom culd they talk first, and I said to them:

"Well, the owner of the boat is Frank Bonilla, but that the chief, boss here is David Perez.

Q And, what happened then, sir?

A Frank Bonilla came down and they conversed for about almost 45 minutes, more or less.

Q Were you present for that conversation, sir?

A No.

Q Where was David Perez during this time?

A He was together with me on the stern.

Q Did you have any conversation with him at that time?

A Yes.

Q Would you tell the Court and jury what you said to David Perez and what he said to you?

A David Perez was super nervous. I told David Perez to calm down, that there was no problem.

Then he said to me:

"What am I going to do?"

And I said to him,"Tell the truth and tell everything that there is going to be the way it is, that there is going to be no problem at all."

Q And, at some time, sir, did David Perez go below?

A Yes.

Q And, how long after he came aboard was that?

A Some 30 or 35 minutes, more or less.

Q And, did you go below with him?

A To go down? No.

Q And, where was Frank Bonilla when David

Perez went below?

A. Together with me.

Q. Did you have any conversation with Frank Bonilla at that time?

A. At that time we were having coffee and, if I tell you, I don't remember.

Q. How long did you stay on the tourist boat, the shrimp boat?

A. Well, I stayed until the morning, when the mechanic came and David stayed in the boat with Rene Baeza.

Then the one who was together with Rene Baeza was going to take him to the Colombian boat to see the pills ane when I say pills, I say quaaludes, 714's.

Q. Did you go back to the LAZY LADY, then, sir, with the mechanic?

A. Yes.

Q. And, did the mechanic go with you?

A. Yes. Frank Bonilla went together with me.

Q. And, where did David Perez go?

A. David Perez went with the Intelligence officer to the Colombian boat.

Q. Looking at, again, Government Exhibit 2, sir, would you tell the Court and jury if you see the Colombian boat that you referred to.

A. Yes, yes.

MR. GREGORIE: For the record, Your Honor, the witness is holding up Photograph No. 16-A from inside Government Exhibit No. 2.

BY MR. GREGORIE:

Q. Sir, at any time while you were at Paredon Grande, was the LAZY LADY moved?

A. Yes.

Q. And, how was it moved?

A. It was moved because the mechanic couldn't do anything because he had to go and look for the parts and that would take more or less one day.

Q. How was the LAZY LADY moved?

A. About 1:00 in the afternoon, more or less, Rene Baeza said:

> "Let's leave, now, our tourist boat is going to tow the LAZY LADY and the VIVIANA behind."

Q. Was the LAZY LADY towed?

A. Yes, by the Cuban tourist boat.

Q. And, where was it towed to, sir?

A. We went to the west for about two and a half hours, deeper into Cuba.

Q. And, at some time, sir, did you go aboard the Colombian ship, the VIVIANA?

A. Yes.

Q. And, when did you do that, sir?

A. Being in Cuba, David was in touch with Guillot. And Guillot gave the order that I would be the captain of the VIVIANA to take it to Colombia.

Q. Did anyone have any weapons aboard the LAZY LADY while you were in Cuba?

A. I don't know that anyone, I thought that no one had a weapon, but, but when we moved towards the west it was to sign the documents of the delivery of the boat, Frank Bonilla took out a Colt .38 revolver, special, and he gave it to Rene Baeza.

Q. At some point, sir, were you given directions to leave Cuba?

A. Yes. When we left it was almost night.

Q. Did you meet with anyone before leaving?

A. Everybody met together, Frank Bonilla jumped to the tourist boat because he had received a call from Havana from Lieutenant Colonel Perez-Mendez, Lieutenant Colonel Angelito--

MR. NEGRETTI: Objection.

THE COURT: State your grounds for it, please, sir.

MR. NEGRETTI: Hearsay, Judge.

THE COURT: I did not hear the name very well, but it would appear to me no predicate.

MR. NEGRETTI: He said he received a call from the telephone.

MR. GREGORIE: If I may, Your Honor, I will restate the question and that may help.

BY MR. GREGORIE:

Q Did somebody give you--strike that.

Did you have a conversation with any of the Cuban officers before you left Cuba?

A Yes.

Q Who did you have the conversation with?

A Rene Baeza-Rodriguez.

Q And, what happened during the conversation with Mr. Baeza-Rodriguez?

A When he gave the list of the parts, some parts that we had to give, he said to me:

> "Now is when we are going to fill Miami completely with the drugs."

Q Did you sign anything, sir?

A Yes.

Q What did you sign?

A All the documents of the delivery of the Colombian boat, a document for the weapon that Frank Bonilla gave to Rene Baeza-Rodriguez.

Q After you signed the documents, sir, did you then leave Cuban waters?

A Yes, at the very moment.

MR. GREGORIE: Excuse me, one minute, Your Honor. I am sorry, Your Honor.

BY MR. GREGORIE:

Q In which boat were you in, sir, when you left?

A On the VIVIANA.

Q And, who was with you on the VIVIANA?

A On the VIVIANA was David Perez, Pepe and Guido and this speaker.

Q And where was the LAZY LADY, sir?

A It was tied behind the VIVIANA, that is, that we towed it from Cuba until South Andros.

Q Sir, were there any Colombian crewmen on the VIVIANA?

A All of them were Colombian crewmen.

Q Do you see any of those crewmen in the court today, sir?

MR. LAZARUS: Objection. May I approach the bench?

THE COURT: Ladies and gentlemen, why don't you step outside and it will make it easier for us. Do not discuss this case.

[Thereupon, the jury retired from
the courtroom, after which the following proceedings were had:]

THE COURT: All right, sir.

MR. LAZARUS: Yes, Your Honor. At this time, I believe the government is going to attempt to identify my client on the crew as being a Colombian crewman.

I would suggest to Your Honor that this witness--excuse me, I do not want this translated to the witness.

THE INTERPRETER: The judge told me to.

THE COURT: Look, Luis--

THE INTERPRETER: What should I do, Jud ge?

THE COURT: Let's find out. Rather than excusing the witness, you simply do not want it translated in his presence, is that correct?

MR. LAZARUS: That is correct.

THE COURT: Is that all right with all of you gentlemen?

MR. SIBILA: I do not know if he speaks English or not.

THE COURT: I don't, either.

MR. SIBILA: I think we better excuse

the witness.

THE COURT: Just tell me what your problem is.

MR. LAZARUS: My problem is that he wasn't able to identify any crewmen, Colombian crewmen, when he was in front of the grand jury.

I think this is unduly suggestive, all the crewmen on this boat were black. My client is the only black defendant in court here today, and I would, I think that is, the identification is--

THE COURT: Tainted by the fact that your man is black?

MR. LAZARUS: Yes, Your Honor.

THE COURT: I do not understand that is grounds for keeping it out. It might be that you have some basis for excluding the identification, but it could not be on the proposition that you happen to be the only lawyer representing a black person.

MR. LAZARUS: In other words, what I am saying, Your Honor, I do not think he could pick my client out of five other black Colombians.

THE COURT: I do not know whether he could or not.

MR. LAZARUS: However, in the courtroom, I think that we are in a situation where he may well pick him out simply because he knows that the man on the boat was black.

THE COURT: Just a minute.

Counselor, thank you. At this point what you do is you raise an objection to in court identification before the identification is sought. You state your position as to why it should not be allowed. We then factually inquire into any prior suggestive treatment or whatever may occur and that is, right now, where we are, but you do not just say:

> "Judge, I am afraid he is going to pick him out when I do not think he could and I have the only man here that is black."

That does not do it.

What do you have in mind?

MR. LAZARUS: What I am saying, I do not think he has any independent recollection of my client.

THE COURT: Fine. My question to you is, do you wish to explore that evidentiary-wise?

What do you wish to do in reference to presenting your position so that we have a record and the Court has something to rule on?

MR. LAZARUS: Your Honor, let me voir dire the witness. I would like to--

THE COURT: Fine. You understand, I will

be glad to take a few minutes if you want to go check the cases on it. You see, this might be such circumstances as make this inadmissible, but it is not just on the basis that you do not really believe that he could do it.

MR. LAZARUS: No, I understand. In fact, I did check the cases.

THE COURT: Very well. I just didn't want to rush you.

VOIR DIRE EXAMINATION

BY MR. LAZARUS:

Q Mr. Estevez, how long were you on the VIVIANA?

A It was in a day and a half. Wait. From Cuba to South Andros, no.

Q Hasn't the government shown you pictures?

A Several pictures, yes, of the--

Q Strike that question.

Do you have any independent, do you have any pictures in your mind of the crewman on the VIVIANA?

A Of none.

Q Before you came to court, did the government show you pictures of defendants in this case?

MR. GREGORIE: Objection.

THE COURT: What is wrong with it?

MR. GREGORIE: To the form of that question.

THE COURT: Pardon?

MR. GREGORIE: Objection to the form of that question, Your Honor.

THE COURT: What is wrong with it?

MR. GREGORIE: Well, Your Honor, he may well have been shown pictures which may include the defendants. He may well answer the question, "Yes," which would be misleading.

The question is, was he shown this specific defendant or shown pictures that contain the defendants therein.

THE COURT: You know, counsel, they have a right to ask the question the way they want, as long as it is admissible.

MR. GREGORIE: I understand, as long as it is not misleading.

THE COURT: It is a perfectly proper question, did they show you pictures of these defendants before you came to court.

What is the answer?

THE WITNESS: I was shown a picture album.

I was shown a picture album.

THE COURT: Album, a-l-b-u-m, album?

THE INTERPRETER: Yes.

BY MR. LAZARUS:

Q And, when were you shown that picture album?

A A long time ago.

Q And, were there any pictures in that album of any men you saw on the VIVIANA?

A I recognized several.

Q Did you know their names?

A The only one that I remember was El Negro Diaz.

Q Did they show you any, do you remember seeing any picture of any other crewmen on that vessel?

A Yes, but I do not remember the name.

Q How many crewmen were on the VIVIANA?

A Two machinists, the cook, the electrician, the high seas captain and the coast captain, about nine persons.

Q And, did you have a picture of each one of those nine persons in your mind?

A Of each one? No. Of those I remember, yes.

Q And, which are the ones that you

remember?

A The ones that I have seen there in the picture.

MR. LAZARUS: Your Honor, at this time I would move to have this testimony stricken. I would suggest to the Court one other more question before I make the motion.

BY MR. LAZARUS:

Q Were all the crewmen on the VIVIANA black?

A Yes, all of them except one which was a little bit white, but he was a black man anyway. They are all from the Santa Marta area, anyway, more or less the same color.

MR. LAZARUS: Your Honor, at this time I would move to strike the in court identification on the basis that the showing of the pictures is unduly suggestive. The only pictures in the album were of black men were my client and another individual. That is not a proper show-up. It is not a proper photo identification and I suggest to the Court that if there were other black men in that book he may not have been able to make that identification.

Further stated to this Court that he has no independent recollection of the crew members and that his only memory is based upon the photos that he saw.

THE COURT: He didn't say that. It might have been interpreted that way, but I understand your point, it is that they show this witness two black persons in a spread and ask him whether or not he can identify your client which is unduly suggestive and not, did not show a representative group of pictures from which to pick and choose two blacks and he says, well, amongst the blacks, which one of these two is so-and-so.

All right, you wish to present any evidence through this gentleman?

You have a right to do that.

MR. GREGORIE: Your Honor, I would like to submit the government exhibit to the Court and have Your Honor examine how many black individuals there are.

THE COURT: Why don't you tell me?

MR. GREGORIE: Well, on the first page there are four, Your Honor. On the next page there are two, make six, and on the next page there is one, is seven.

THE COURT: Okay. Now, let's stop right there and see where we are going.

There must be some question in counsel's mind as to whether these pictures you are talking about really are black persons, correct? You see seven. All right. Counsel says he sees two.

MR. LAZARUS: That is correct, Your Honor.

THE COURT: Let me ask you this, just to remind you of it, how does the Court know what this man saw that is testifying?

MR. LAZARUS: That is correct, Your Honor. He has not made any identification yet.

THE COURT: No, I am talking, how do I know he has ever seen the book that you have in your hand?

MR. GREGORIE: I believe, Your Honor, that he testified that he had seen it but we haven't had testimony about that yet.

THE COURT: What did he say, he saw it?

MR. GREGORIE: I think he has identified other photos from the book already in his testimony, Your Honor.

THE COURT: I heard him say a while ago that somebody showed him a picture album.

MR. GREGORIE: That is correct.

THE COURT: How does the Court or anybody else know which one it was?

MR. GREGORIE: That is true, Your Honor.

THE COURT: Why don't you ask him?

BY MR. GREGORIE:

Q Mr. Estevez, showing you Government Exhibit 2, were you shown that photo album?

A That, if that album was shown to me?

Q Yes.

A Yes.

Q And, were you asked if you could identify any of the Cubans--

THE COURT: How does the Court know he was shown anything other than the cover? That is all he has seen.

MR. GREGORIE: I am about to ask him the next question, Your Honor.

THE COURT: All right.

BY MR. GREGORIE:

Q Were you asked, sir, if you could identify any of the crew members from the VIVIANA in that album, sir?

A Several.

MR. GREGORIE: Your Honor, at this point I would ask the witness to identify the several that he picked out.

THE COURT: Counsel, you know, it would

seem to me that the man would have to testify that, yes, the interior, this is the album that was shown to me, appears to be the one I saw. I mean, you have a cover, a man looked at an album and perhaps there, as far as I understand this record, there are 83 different photographs in there today from the ones that he looked at. Do you understand what I am trying to say?

MR. GREGORIE: That is true.

THE COURT: You know it, but the Court does not.

BY MR. GREGORIE:

Q Would you look through it and pick out any of the crew members from the VIVIANA you see in there, sir?

Do you see any, sir?

A Yes.

Q What number do you see, sir?

A Four.

Q Four, and do you know what position or what occupation he had aboard the VIVIANA?

A Yes.

Q And, what was that, sir?

A The radio technician.

Q Do you see anybody else in there besides-

A Excuse me, you are talking at the same time that he is talking.

Q I am sorry.

A Okay. I said that he was the technician, because I conversed with him and they had taken him by force from Colombia.

Q Do you see anything else in there, sir, who was aboard the VIVIANA?

A I am looking for them. This one.

Q What number is that, sir?

A Eight.

Q 2-8.

Do you know what occupation or position he held on the VIVIANA?

A If I am not wrong, I think he was the machinist.

MR. LAZARUS: Objection to what he thinks, Your Honor.

THE COURT: That goes to the weight.

Counselor, listen to me. What I want to know, do you anticipate having some testimony that says back in the past, before this trial, the album there I showed to this witness is the same album, the same pictures as are in this album today. Do you understand my question?

MR. GREGORIE: I anticipate, Your Honor,

that some of the pictures are the same, approximately thirty of them, thirty or forty.

THE COURT: You see, what we are talking about is whether or not at this moment a spread somehow or other has tainted or a lack of a spread has tainted this in court identification which you expect.

Counsel says that two blacks, you say there are a great number of blacks. It does not make a whole lot of difference as far as previous viewing unless we know how many blacks were there then.

Do I make myself clear?

MR. GREGORIE: Okay.

BY MR. GREGORIE:

Q Mr. Estevez, when you were originally shown photographs, how many photographs were you shown?

A I think that thirty plus pictures.

Q And of those thirty plus pictures, were you able to identify any crewmembers from the VIVIANA?

A Yes.

Q And, where there any individuals, negro individuals in that photo spread you were shown?

A All these which are here.

Q All those which are in the photo album?

A Yes.

MR. GREGORIE: I have nothing further,

Your Honor.

THE COURT: Counselor, do you want to ask him further?

MR. LAZARUS: Yes, Your Honor. I wonder if he can pick out the 35 pictures in the album that he remembers.

THE COURT: Do you want to ask him a question?

MR. LAZARUS: Yes.

BY MR. LAZARUS:

Q Mr. Estevez, can you pick out the photos that were in the album at the time that you looked at it?

Excuse me, Mr. Estevez, if you could just call up the numbers of the photos that you remember that were in the album when you looked at it.

A Okay. Number 1, number 2, 3, 4, 5, 6, 7, 8, 9, 9, 10, 11, 14, 15, 16, this one was here, also.

Q Which one is that?

A 17, 18, 19, 20, 21, 22, 24, 28, 27, 29, 32, 33, 34 and 35. That is it.

These were not here.

THE COURT: Counselor, you better get your records straight for what he is talking about.

These are not here.

MR. GREGORIE: Your Honor, I think he is under examination by defense counsel. If Your Honor wishes me to question, I will.

MR. LAZARUS: I will be glad to continue the examination.

THE COURT: Gentlemen, I am not talking about anybody examining anybody. When somebody says:

"These were not here,"

you have no record. That is all. I thought perhaps the government was interested to demonstrate for the record what he was referring to when he said:

"These were not here,"

that is all.

BY MR. LAZARUS:

Q Mr. Estevez, when you say that these pictures were not there, are you speaking about the photos from 35?

A No, no, no.

Q Through 93?

THE INTERPRETER: Through what?

MR. LAZARUS: Through 93.

THE WITNESS: No.

BY MR. LAZARUS:

Q What are you speaking about?

A Well, the first picture, because you are explainin , to me which ones were the first ones that I saw.

Q No, I am asking you all the pictures that you saw.

A Oh, well--

Q Please take a look, now.

A A week ago, but when you were talking about, because I have seen it five or six times, I have seen it.

Q And, has it been a different number of pictures each time?

A Yes.

Q Okay. And the first time that you identified the photo of the crewmen on the VIVIANA, how many photos were you shown?

A All those here which are in front here until 34, about that, 34 or 35.

Q Now, the first time you were shown the album is it your testimony that the photos from 35 to 93 were not in the album at that time?

A Which photos? Explain yourself correctly because--

Q Sure. I understand.

The photographs that are numbered 35

through 93, that will be 36, 37, 38, 39 and so forth through 93, were those photographs--

A Yes, I understand. It, as to those, no, sir, as to those.

Q Were those photos in the album when you first identified the crewman on the VIVIANA?

A Look, when they showed to me, when I was shown the first pictures, it was in this new album. I recognize from the pictures that I was shown several persons.

A Okay, but your first, please answer my question. My question is, were the photos from 35 through 93 inclusive in the album, the first time you were asked to identify crew members on the VIVIANA?

No, no.

MR. LAZARUS: Your Honor, same objection. I think that the photo show-up is unduly suggestive and leads to an impermissible identification. I feel that the identification that is going to be made here in court is going to be based upon his memory now of the photos as opposed to any independent recollection in his mind of a crewman that he may have seen on the VIVIANA.

THE COURT: All right. Show me that exhibit, that album that he has there.

All right. I have viewed the pictures with particular reference regarding the first 35 or what-have-you by the testimony. The objection is overruled. You can proceed.

All right, we are ready to proceed, folks?

MR. GREGORIE: Yes, Your Honor.

THE COURT: Bring them in, please, sir.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

THE COURT: All right, counselor, you can proceed.

BY MR. GREGORIE:

Q Mr. Estevez, would you look around the courtroom, sir, and tell the Court and jury if you see any of the crewmembers that were aboard the boat, the VIVIANA, when you left Cuban waters.

A Yes. The second.

Q Can you tell us, sir, what color shirt he is wearing?

A It is brown.

MR. GREGORIE: For the record, Your Honor, the witness has identified the defendant, Orobio-Michelena.

BY MR. GREGORIE:

Q Sir, I am now going to show you what is marked as Government Exhibit No. 2. Would you look through Government Exhibit No. 2, sir, and tell us if you recognize photos of any of the other crew members or, strike that. Of any crew members on the boat, the VIVIANA.

A I know this one, No. 4.

Q Can you tell us, sir, what occupation he held on the VIVIANA, if you know?

A That one was an electrician, the one who had control of all the radios.

Q Do you see any others in there, sir?

A This one is familiar to me, but I don't--this one is Number--

Q What number was that?

A No. 1, No. 8.

Q Do you know what occupation, if any, on the VIVIANA, No. 8 held, sir?

A I saw him in the engine room and I think he is a machinist. I do not know.

MR. LAZARUS: Objection to what he thinks, Your Honor.

THE COURT: It goes to the weight of it, counselor, not the admissibility.

BY MR. GREGORIE:

Q Do you recognize any others in there as crewmen on the VIVIANA, sir?

A No. 9.

Q And, what occupation did he have, sir?

A That one was, I knew him as the coast skipper.

Q And, do you see any others in there?

A This one.

Q What number is that?

A It is 24. I know this one as Ricardo. I know him. No one else.

Q Now, sir, as the VIVIANA towed the LAZY LADY from Cuba, where did you go?

A To South Andros.

Q And what, if anything, happened at South Andros, sir?

A We left the boat. We left the LAZY LADY there. We unloaded the pill boxes of quaaludes, 714.

Q Where did you unload them to, sir?

A We unloaded them from the VIVIANA, to the LAZY LADY.

Q When you say, "we," sir, who took part in unloading the pills from the VIVIANA to the LAZY LADY?

A All the crewmen from the two boats.

Q When you say all the crewmen, sir, do you mean that everybody that was on board both boats?

A Can you repeat?

THE INTERPRETER: Can you repeat the question for my benefit?

BY MR. GREGORIE:

Q When you say, "all the crewmen," do you mean everyone that was on both the LAZY LADY and the VIVIANA?

A Yes.

Q Did you observe what was in the boxes, sir?

A Yes.

Q And, what did you see, sir?

A Quaaludes, pills, 714.

Q And after the pills were unloaded onto the LAZY LADY, sir, where did you go?

MR. NEGRETTI: Your Honor, I'm going to object, quaaludes, he has no proper predicate, he has not been qualified as a chemist or a knowledgeable man, what those pills were.

THE COURT: That is correct. He has not been qualified as a chemist and that would certainly bear upon the weight of his testimony. Objection is overruled.

MR. NEGRETTI: Yes, sir, and I further--

BY MR. GREGORIE:

Q Where did you go, sir, after you unloaded the pills?

A We went to North Andros.

Q And, how did you get to North Andros?

Did you take a boat or how did you get there?

A We left the LAZY LADY, on the LAZY LADY Frank Bonilla stayed, Jorge, Jorge Rodriguez, this Ricardo, who was on the VIVIANA, and the Bahamian and from there we went on the VIVIANA to North Andros.

Q Who was with you on the VIVIANA?

A On the VIVIANA, we left the Bahamian brothers, David Perez, Pepe El Gato and Guido and this speaker.

Q What, if anything, did you do, sir, when you arrived in North Andros?

A Down there, Pepe El Gato, El Guido and El Bahamas, left to make contact with David Perez' friend.

Q What did you do, sir?

A We stayed on the boat, David Perez and myself, waiting for them to arrive and at about 6:00

in the afternoon, and not having seen them, David Perez, a certain Julio who is a Colombian and myself, went down and we went to the house of David's friend.

Q At some time, sir, did you return to the LAZY LADY?

A Yes.

Q And, how long after arriving in North Andros did you return to the LAZY LADY?

A Well, after I left, I arrived at North Andros, I was for almost one day or two days at North Andros waiting for a vessel and with much difficulty I got to the LAZY LADY about four or five days later.

Q Were you able to repair the LAZY LADY, sir?

A No.

Q Did anyone arrive to assist you in repairing the LAZY LADY?

A Yes. After much problems, difficulties and having been arrested in the Bahamas with Frank Bonilla, the launch arrived with Jorge Llerena and Frank Bonilla. Certain Ricardo that I don't know who he is and the boat was prepared and we left.

Q When you say, "we left," sir, who was on the LAZY LADY when you left?

A Well, at that time we were aboard, Frank

Bonilla, Jorge Llerena, Jorge Rodriguez, Jorge Llerena, Jorge Rodriguez, a certain Ricardo from Miami and another Ricardo from Colombia, a Bahamian and myself.

Q And, where did you go, sir?

A We went to Riding Rock which was where we were going to unload.

Q Was there anybody who assisted you unloading at Riding Rock?

A Well, David Perez and the speedboats were going to wait for us.

Q Were they there when you arrived at Riding Rock?

A No.

Q Sir, did you or any of the crew ingest any of the pills you had on the LAZY LADY?

A Yes.

Q And, who did that, sir?

A Jorge Llerena.

Q Did you notice what, if any, effect that had on him?

A Very good, huh, he dropped himself to the floor to sleep and he was completely dizzy and the only thing he said was:

"They are very good, they are very good."

Q How long did you wait at Riding Rock, sir?

A We lost count of that waiting because we were without food, without water, it could have been a week and a half, more or less.

Q Did any boat or plane approach you while you were waiting at Riding Rock?

A Yes, several times, several light planes approached us but one morning about 11:00 in the morning we saw a helicopter coming.

Q And, how close to the boat did the helicopter come?

A Well, we were at the bow and Jorge Llerena and myself would look out through the little door because the ones who stayed outside were Frank Bonilla and the Bahamian.

It seemed to me that we were a hook, one could catch the helicopter.

Q How long did the helicopter stay near the LAZY LADY?

A About ten minutes, and taking a lot of pictures. It left and then about 30 minutes later it would return and it was more or less two plus minutes more then, and then it left, and we got together, Jorge Llerena, Frank Bonilla and myself, to throw out the pills.

Q Did you throw out the pills, sir?

A Because at that time the Coast Guard already informed--

MR. NEGRETTI: Objection, Your Honor, calls for a legal conclusion of the witness.

THE COURT: Sustained.

Ask him another question, please, sir.

BY MR. GREGORIE:

Q Did you have a discussion with anybody, sir, about throwing the pills out?

A Yes, of course.

Q What did you say, sir?

A We had to throw out the pills because they are going to inform the Bahamian Coast Guard.

Q And, when you threw the pills over, sir, when you threw the pills overboard, what happened?

A Well, all of us were seasick, inclusively, I was walking on four of my--on my fours.

Q Were you seasick, sir?

A No, not seasick, from the pills.

THE INTERPRETER: Excuse me, the word "marilelo" translates as dizzy and translates as seasick. It is the same word in Spanish.

THE WITNESS: We were dizzy from the

powder when one opens the package, that emits a powder and you breathe that powder. Everybody was painted white.

BY MR. GREGORIE:

Q And, what effect did that have on you, sir?

A Very bad.

Q When you say, "very bad," what do you mean, sir?

A Dizzy, sleepy, tired.

Q After you threw the pills overboard, sir, did you see any other boats?

A Well, when I threw out the pills, what I saw was a plane from the Nassau--

MR. LICHTER: Objection, Your Honor, not responsive.

THE COURT: Overruled. You can proceed.

THE WITNESS: --Nassau Police.

BY MR. GREGORIE:

Q Did you see any other boats, sir?

A No.

Q Did anybody come to pick you up, sir?

A No one came to pick us up.

Q How long were you on the LAZY LADY, sir, before anybody came to get you?

A Okay. When we, when they came, not to

pick us up, he was going to a mission already, when I say, "he," I say that day when we threw out the pills, the next day at noon we saw a launch, a lobster-type of boat with the name K-D and the Captain of that K-D was Jose Luis Martinez, and an elderly man whom I don't know who he is.

Q Is this the same Jose Luis Martinez that you said you saw on Guinchos Cay?

A Yes.

Q And what happened when Jose Luis Martinez indicated he approached you?

A When, well, it approached about 40 minutes, it approached the people jumped to the boat, and Jose Luis Martinez, I think, had contact or communication with David.

MR. LICHTER: Objection.

THE COURT: Ask the man a quetion again.

MR. LICHTER: The question was, what happened.

BY MR. GREGORIE:

Q What happened when Jose Luis Martinez and th K-D approached you, sir?

Did you go on board, sir?

A Yes.

Q Did anybody else go on board, sir?

A David Perez had given an order that Jorge Llerena and myself would leave in the K-D.

Q I am going to show you what has been marked as Government Exhibit No. 3 in Evidence.

Do you recognize that?

A That is the K-D or the K-D, this is the one.

Q Thank you, sir.

Did anyone give you any instructions, sir, when you went aboard the K-D?

A Yes.

Q And who gave you the instructions?

A Jose Luis Martinez.

Q What did Jose Luis Martinez tell you?

A That, by orders of David Perez to go with him where the boat was at Guinchos. Cay.

Q And, did he tell you why you were to go to Guinchos Cay?

A Yes, even though I also knew then.

Q What did he tell you, sir?

A That the boat with the 23,000 pounds already arrived.

Q 23,000 pounds of what, sir?

A Of the marijuana.

Q Had you talked to anybody else about this, sir?

A That if I had talked?

Q You said, sir, that you already knew about this.

Had you talked to somebody else about the 23,000 pounds of marijuana?

A With the captain of the VIVIANA.

Q And that is the boat that had the pills on it?

THE INTERPRETER: Had the what?

BY MR. GREGORIE:

Q The pills.

A No.

Q What was the name of the captain of the VIVIANA?

A I have met him as El Negro Diaz.

Q And, when did you talk with him, sir?

A At 3:00 in the morning before leaving North Andros, David asked him more or less how long he would be delayed in returning and he said to him,

"I will be back here within 20 or 21 days."

Q Did he say anything else, sir?

A Yes.

Q What else did he say?

A Then he said to him:

"And, what are you going to bring back?"

And he said to him,:

"Well, I think it is the 23,000 pounds which are coming now."

Q Okay. Now, sir, did you go to Guinchos Cay?

A Yes.

Q And, who was with you on the K-D when you went to Guinchos Cay?

A Jorge Llerena was there, Jose Luis Martinez, an elderly man, and myself.

Q And what, if anything, did you see at Guinchos Cay?

A We saw a shrimper, 70-plus foot, we did not go to the boat, first, about 35 minutes, around that, we went around the boat which was loaded with the 23,000 pounds of marijuana.

Q Did you recognize any of the crew on the boat containing the marijuana?

A No. The only one that I recognized or that I met that I knew were the captain and the skipper.

Q Did you know either of their names, sir?

A El Negro Diaz.

Q Were any of the individuals who you

identified in the photo album on that boat?

MR. LAZARUS: That question has been asked and answered.

THE COURT: You may answer it.

THE WITNESS: That in any, in the picture?

BY MR. GREGORIE:

Q Have any of the individuals who you identified in the photo album, were they present on that boat?

A Yes, but the coast captain, because this one I knew as El Negro Diaz, is not in.

Q Which number is the coast captain, sir?

A 9.

Q Thank you, sir.

What did you do, sir, when you met the boat with the marijuana on it?

A Well, I went up and I talked to the captain. We went down to see the load. After we saw the load, we went up again and after we came up, I asked him for a little bit of food, because we did not have enough, because we had left some to the crewmen of the LAZY LADY.

Q And, did you get some food, sir?

A Yes.

Q Was there anything unusual about the

food you received, sir?

A Yes.

Q And, what was that, sir?

A It was all made in Cuba, inclusively, I kept later on a couple of cans of tuna which I gave away to Jose Luis Martinez' wife.

Q Did you do something with the marijuana, sir?

A Yes, yes, we loaded about 11,000 pounds.

Q And, before you left, sir, did you talk to anyone aboard the boat carrying the marijuana that brought the marijuana to Guinchos Cay?

A Yes, I understand.

Q Who did you talk to?

A With El Negro Diaz.

Q What, if anything, did he tell you?

A That they had been waiting for us about four days there.

Q And, anything else, sir?

A Yes, that at night due to an emergency that would enter into Cuba and that in the morning they would come out again.

Almost always coasting in order to not have problems with the Coast Guard, to allow time to enter.

Q Why did you only take 11,000 pounds of marijuana, sir, if there were 23,000 pounds on the boat?

A Because there was no room for the other ones.

Q Did you make any plans to return, sir?

A Yes.

Q And, who did you make the plans with, sir?

A The plans with Jose Luis Martinez and the boat captain.

Q Where did you go after you loaded the 11,000 pounds of marijuana?

A I went to South Miami, to South Bimini.

Q And, who, if anyone, did you meet in South Bimini, sir?

A That--who did I meet at, on South Bimini?

Q Yes, did you meet anyone in South Bimini?

A Yes. All the boats.

Q All what boats, sir?

A Of the boats or launches that would transport the marijuana.

Q Did you recognize anybody who was with those boats, sir?

A Here?

Q No, sir. Did you recognize any of the --

individuals that were with the boats?

A Yes, several.

Q Who did you recognize?

A Well, by name I don't know, but I know two brothers, I know one who was detained or arrested with the boat. Let me see, I know a few.

Q Would you look in Government Exhibit No. 2, sir, and tell if you see any of the individuals who were there to unload the marijuana?

A This one (indicating).

Q What number is that, sir?

A No. 30.

Q No. 30.

MR. GREGORIE: For the record, Your Honor, the witness has identified Government Exhibit No. 2, photograph 30.

BY MR. GREGORIE:

Q Now, sir, was the marijuana offloaded?

A Yes.

Q And, what did you do after the marijuana was offloaded?

A After they left, the launches, there was another portion left on the boat and it was kept in South Bimini.

Q And, what did you do after you left the marijuana in South Bimini?

A I went into Bimini to put in at the hotel room.

Q Did you do anything else, sir?

A Yes, we left again to get the other merchandise.

Q And, who was with you when you left again in the K-D, sir?

THE INTERPRETER: When you left what?

BY MR. GREGORIE:

Q When you left again.

A Jose Luis Martinez was there, Jorge Llerena and this, this speaker.

Q What boat were you in, sir?

A On the K-D.

Q And, where did you go, sir?

A We went again to the same place, which is Gúinchos Cay.

THE COURT: All right, counsel. Hold up just for a moment. We are going to let the jury have a recess. Now, it will be ten or fifteen minutes. You ladies and gentlemen step back. Just keep your seats where you are, please.

[Thereupon, the jury retired from the courtroom.]

[Thereupon, pursuant to a brief recess, the following proceedings resumed outside the presence of the jury:]

MR. LAZARUS: Before we call the jury out of the back, Mr. Estevez asked the translator to translate something from him to the prosecutor, and I would ask that the translator advise us of what exactly was the substance of the conversation.

MR. GREGORIE: Your Honor, since counsel was present when I spoke with the witness and my direction to the witness was that he should not talk to me. He then asked to go to the restroom, and Agent Fernandez accompanied him to the restroom, and that is as much as I know about it, Your Honor, as much as I can say about it.

MR. LAZARUS: I think there is a little more said than that and counsel did not say anything. The witness did.

THE COURT: May I ask what business it is of the defendant what the witness says to the prosecutor at the recess? I mean, just so I will understand.

MR. LAZARUS: My understanding is there should not be any conversation, obviously, of a witness on the stand.

THE COURT: Well, you folks have a different idea from mine. I didn't know that was a built-in rule. However, perhaps we can ask the witness other than the fact that you would like to go to the bathroom, what did you say to the prosecutor at the recess?

MR. LAZARUS: Simply going to ask the translator, Your Honor.

THE WITNESS: I didn't tell the prosecutor anything.

THE COURT: Luis, what were you asked to tell the prosecutor at the recess?

THE INTERPRETER: The witness, Your Honor called me to talk to me for, while the U.S. Attorney was not in the courtroom, and I then called the U.S. Attorney and the witness had a small comment in front of the U.S. Attorney concerning the fact that defense attorneys were offending him and that he would tell the truth if they kept offending him.

THE COURT: He would tell the truth if they kept offending him?

THE WITNESS: All the truth if they kept offending him and then the U.S. Attorney told him that he didn't want him to say anything, at this point, and he requested to be allowed to go to the men's room.

THE COURT: What--translate this for the witness--what have the defense lawyers been doing to offend you?

THE WITNESS: Not the attorneys but the people who are arrested.

THE COURT: Okay.

THE INTERPRETER: I misunderstood, Your Honor, maybe because of the fact that he used the word that apparently was in English, and I misunderstood it, but he did not speak in Spanish. He said defendants, defender, or something like that.

THE COURT: The man apparently is concerned that someone here in the courtroom is making some sort of gestures which I did not see, but that must be all that we are talking about. All right.

Shall we proceed?

Bring them in.

I did not see any such thing, but he apparently did.

MR. GREGORIE: I now understand, also, Your Honor.

[Thereupon, the jury returned to the courtroom, after which the following proceedings resumed:]

THE COURT: All right. Have a seat.

BY MR. GREGORIE:

Q Mr. Estevez, when we broke, you told us you had unloaded the 11,000 pounds of marijuana and you had started again in the K-D.

Would you tell us, again, sir, who was aboard the K-D when you started on the next trip?

A Jorge Llerena and Jose Martinez.

Q And, where were you going, sir?

A To Guinchos Cay.

Q Had anyone given you directions as to where to go?

A Yes.

Q And, who was that?

A David Perez who was directing the operation.

Q And, what directions did he give you, sir?

A To get closer, to about three or four miles away from Guinchos on the Cuban side.

Q And, did you do that, sir?

A Yes, si r.

Q And, when you got there, what did you observe?

A A Colombian boat.

Q Was this the same boat that you had just unloaded the 11,000 pounds from?

A No; a different one.

Q And, did you go aboard this different boat?

A Yes.

Q And, did you see what, if any, cargo was on this boat?

A It was with marijuana and because we were almost without petroleum I was very little time down and then we started putting in petroleum and I went down with the captain, El Negro Diaz, and there was the marijuana on the starboard side to the bow, there was an average of three and a half million pills of Lemmon 714 quaaludes.

Q Did you recognize any of the crew aboard this Colombian ship?

A No. They are all always different.

Q Always different?

A One of the things that I noticed.

MR. SANFORD: Objection, Your Honor, not responsive at this point.

THE COURT: All right. Just a moment. Don't translate yet, because the question was:

"Did you recognize any of the members of the crew of that ship," wasn't it?

MR. GREGORIE: That is correct.

THE COURT: He said he did not.

MR. GREGORIE: Okay.

THE COURT: All right. Let's proceed.

BY MR. GREGORIE:

Q What did you do next, sir, after you saw the marijuana and the pills?

A We began loading and we loaded some 12,000 pounds, more or less.

Q And, where did you go then, sir?

A We went to, it was Riding Rock.

Q And what, if anything, happened at Riding Rock?

A Well, that night we had to anchor there because, and in the morning it was when we went to South Bimini.

Q And what, if anything, happened at South Bimini?

A We arrived at South Bimini more or less because we had to stop, we arrived around 7:00 at night and we began unloading them into the speedboats.

Q What did you begin unloading in the speedboats?

A The marijuana.

Q And, did you unload all of the marijuana, all 12,000 pounds?

A Well, the speedboats were the launches, correction, the launches were loaded and the rest was kept in South Bimini.

Q Okay. And, where did you go after you unloaded the marijuana?

A I left for Bimini, the rest, and then we went the next day at night to Miami.

Q Where in Miami did you go?

A Well, that night I stayed on the boat. The next day I went to Jose Luis Martinez' house and from there I went to David Perez' house because I had to work with. Clemente, the Frenchman.

Q Did you ever see any of the marijuana that was offloaded when you arrived in Miami?

A Yes.

Q And, where did you see it, sir?

A In Homestead.

Q And, did you see anybody moving the marijuana at Homestead, sir?

A Yes, I moved, helped move, several person move.

Q Do you see anybody in this courtroom who was moving the marijuana in Homestead?

A Yes.

Q And, who is that, sir?

A The first one on the line this way (indicating).

Q Do you know what his name is, sir?

A Alberto Cortez.

MR. GREGORIE: Your Honor, the witness has identified the defendant, Alberto Cortez.

BY MR. GREGORIE:

Q Did you ever speak with Alberto Cortez, sir?

A Of course.

Q What, if anything, did he say to you concerning the marijuana?

A He is very reserved, but he was the one who--

MR. SANFORD: Objection, not responsive.

THE COURT: Sustained. Ask the man the question and, counselor, remind him to answer the questions you ask.

MR. GREGORIE: I will try, Your Honor.

BY MR. GREGORIE:

Q Sir, did Mr. Cortez say anything to you concerning the marijuana?

A Well, many things, but, which ones? I

loaded with him. I unloaded with him. What could he said to me, many things he could say to me.

Q Your Honor--

A I knew that he was a clearing house.

MR. SANFORD: Objection.

MR. GREGORIE: In order to facilitate, Your Honor, I ask permission to lead this witness a little bit in order to assist the translation.

MR. SANFORD: To which I object.

THE COURT: Counselor, I believe what you are going to ask him is not a leading question. Did he say anything to you in reference to a certain area of discussion; is that what you are going to?

MR. GREGORIE: That is correct.

THE COURT: That is a perfectly proper question.

BY MR. GREGORIE:

Q Okay.

Mr. Estevez, did Mr. Cortez say anything to you concerning his responsibility as tothe marijuana?

A As to the marijuana; no.

Q What did you observe him doing with the marijuana, sir?

A Look, when one works in these things, one knows who it is sold for, who is working it.

THE COURT: Just a moment, just a moment.

Sir, Luis, I want you to translate and tell this witness what it is that the Judge is about to say to him.

Mr. Witness, we want you to listen carefully to the question that is asked you. We want you to answer the question that is asked you.

We are not asking you to volunteer anything. We are asking you to answer, if you can, whatever question is asked of you.

All right.

BY MR. GREGORIE:

Q Sir, what, if anything, did you observe Mr. Cortez do with the marijuana in Homestead?

A To take it away, to sell it.

Q Now, sir, you told us that there were quaaludes aboard the boat with the marijuana.

Did you take any of those quaaludes?

A No.

Q After you worked with the marijuana in Homestead, did you ever have occasion to meet with David Perez again?

A Yes.

Q And, did you ever have a discussion with David Perez concerning the quaaludes that you threw overboard?

A. Yes.

Q. And when, approximately, was that, sir?

A. About the beginning of December, more or less.

At Chino's house, Miguel.

Q. And, how did you get to this meeting?

A. I was at Jose Luis' house and then David Perez sent for me. I went normally, no? And, then I got to the house and I see that it was to resolve the matter of the pills.

Q. Were you allowed to leave the house?

A. No, no, never. I was sort of kidnapped in there, one could say.

Q. Did anyone have a gun, sir?

A. Everybody had weapons.

Q. And, who was present at that meeting, sir?

A. Luis Martinez was there, who later on left, they sent for Jorge Llerena, there was David Perez, there was Miguel, El Chino, Miguel, El Chino's brother. El Chino's wife, El--the Bahamian who kept the marijuana in Bimini who was waiting for his money, I was there for about two days.

Q. Did David Perez speak to you during

those two days, sir?

A Yes, of course.

Q And what, if anything, did he say to you, sir?

A That if the pills were missing that who was the one who authorized to throw away or to dump the pills, that whoever was to be blamed would be killed until Jaime Guillot came in.

MR. NEGRETTI: I got the wrong translation on this part, in the Spanish translates, what is going to be, Perez was going to kill them, and it would be--

THE COURT: Are you confident of your translation, the contents of your translation?

THE INTERPRETER: I have confidence of my translation.

THE COURT: You stick with it.

THE INTERPRETER: Of course.

MR. NEGRETTI: I ask the question be asked again, sir, if I may.

THE COURT: You can ask it if you wish.

BY MR. GREGORIE:

Q Did anyone else arrive at the meeting, sir?

A Yes. They sent for Jorge Llerena there.

They went to the Bahamas to get, to bring the Bahamian, Miguel, El Chino was at the house, the Bahamian from Bimini, Jose Luis left, several people who were there, the wife, the brother.

Q Did anyone else arrive, sir, in order to resolve the question of what happened to the pills?

A Yes.

Q Who was that, sir?

A Jaime Guillot.

Q And, how long after you went to the house did Jaime Guillot arrive?

A About two days later.

Q Would you look in Government Exhibit 2, sir, and identify, if you can, a photograph of Jaime Guillot-Lara?

A Here, it is 16.

Q Do you see him anywhere else in the book, sir?

A Everywhere.

Q Do you see him, can you identify any other photograph of him besides 16 in the book, sir?

A It is, he is here (indicating).

Q And that is Photograph Number--

A Four.

Q Four?

A I don't know, oh, 40.

MR. GREGORIE: For the record, Your Honor the witness has identified Photograph No. 40, and what was the first one you identified, sir?

THE WITNESS: 16.

MR. GREGORIE: 40 and 16 he has identified, Your Honor.

BY MR. GREGORIE:

Q In Photograph No. 40, sir, are there more than one individual?

A There are six.

Q And what number in Photograph No. 40 is the individual you have identified as Jaime Guillot-Lara?

A The one who is next to the one with the Mexican hat.

Q And, is there a number underneath him, sir?

A Down here, No. 4.

MR. GREGORIE: Your Honor, for the record the witness has identified Photograph No. 40, individual number four.

THE COURT: All right.

BY MR. GREGORIE:

Q Can you tell us, sir, what if anything, Jaime Guillot-Lara said when he arrived at this meeting.

A Yes. He arrived with David Perez. When I met him, he said:

"I don't care who dumped it or how it happened. What I am interested is that it has to be paid for."

And then David said:

"Well, we will pay for you with the marijuana."

Q Was anything else said, sir?

A No. He left, while afterwards, and he was angry. They put me in the bedroom and they conversed in there.

Q And were you allowed to leave, sir?

A After that I agreed that from my money from the money that they would take it and that they would pay out of that.

Q Sir, when was the last time you have seen David Perez?

A I think between the 22nd and the 23rd of December, that I saw him.

Q What year?

A 1980.

Q What is the last time you have spoken to him, sir?

* * * * * * *

I take it from what you are saying, then, that nobody has heard any juror say anything about having heard Channel 10, seen the defendants, or read any newspaper, anything at all.

If I am wrong on that, hold up your hand and clear me up.

All right. Thank you, very much.

Now, you can have a--who is going to start, counselor?

MR. LICHTER: May it please the Court, Your Honor.

[Thereupon, the witness MARIO ESTEVEZ resumed the witness stand and testified further as follows:]

CROSS EXAMINATION [Continued]

BY MR. LICHTER:

Q Mr. Estevez, you have previously testified before some grand juries, have you not?

A Yes.

Q On how many occasions?

A Two or three times.

Q And, were those appearances in relation to this indictment, this case?

A Yes.

Q Now, at the time that you testified

you were cooperating with the government, weren't you?

A. Yes.

Q And at the same time you were in jail, weren't you?

A. Yes.

Q Now, what were you in jail for, sir?

A. Because they caught me with a boat of marijuana.

Q Now, that wasn't a boat of marijuana that is supposedly in this case, is it?

A. What?

MR. LICHTER: Would the Court prefer that the court reporter read that back?

THE COURT: No. You can ask it again.

BY MR. LICHTER:

Q Okay.

This boat of marijuana that you were arrested on, was that from this case?

A. No.

Q Some other trip?

A. Yes.

Q Now, how long had you been in jail before you began cooperating?

A. I was in jail nine months, sir, and I began cooperating a month after.

Q A month after you entered jail or a month after the nine months?

A Wait. I did not understand that question.

Q When did you, when did you enter jail, sir?

A November the 29th, 1981.

Q And when did you begin cooperating with the United States Government?

A About in January.

Q Okay. Now, how many times have you been convicted of a crime, sir?

A Only once.

Q Only once?

THE COURT: Mr. Witness would you please keep your voice up so that we all can hear you?

BY MR. LICHTER:

Q At the one time that you say that you were convicted, how many charges were you facing?

A About how many charges? I don't recall now, about three or four charges.

Q And each one of those charges was punishable by five years in jail, weren't they?

A Yes.

Q When you decided to testify in front of the Grand Jury, you had not yet been sentenced on any of those charges, had you?

A. No.

Q. So you were testifying with the hopes that the government would assist you with your sentence, weren't you?

A. No.

Q. Okay. The government promised you nothing?

A. Nothing.

Q. How long were you sentenced to jail, Mr. Estevez?

A. Nine months and five years parole.

Q. Yesterday you described what your education was, sir.

Would you tell me once more?

A. Yes.

Q. What education do you have?

A. Pre university.

Q. I am sorry. Would you repeat that?

A. Pre university.

THE INTERPRETER: Are you asking me?

THE COURT: No. I will tell you what.

THE INTERPETER: I thought you did not understand the pronunciation.

THE COURT: Just a minute, Luis. Would you spell it in English?

THE WITNESS: P-r-e.

BY MR. LICHTER:

Q. Pre university, is it p-r-e, pre university?

A. Yes.

Q. Did you get a high school diploma?

A. Yes--no.

THE INTERPRETER: Excuse me, Counselor, the word (Spanish word) can be interpreted several ways in Spanish, so this way I translated it is literally. Now--

MR. LICHTER: I am satisfied.

THE INTERPRETER: Okay.

BY MR. LICHTER:

Q. When you were first employed by the Cuban Government--employed in what?

When was the first--

A. In the ministry.

Q. When was the first time you were employed in any manner by the Cuban Government?

A. In 1970.

Q. This was when you were officially working for the Cuban Government?

A. Yes.

Q Now, had you received any training for this work with the Cuban Government?

A. Yes.

Q In 1968 and 1969 did you take any particular studies or courses?

A. Training.

Q And what department gave you that training?

A. The Department of the Ministry of the Interior.

Q It wasn't the Central Party Governmental Agency of Science and Religion?

A. That was in 1970.

Q Sir, did you testify before a Grand Jury on August 6, 1982?

A. Yes.

Q Did you state that, did you hear the following, give the following questions and the following answers at that time?

> "Q What type of training did they give you?
>
> "A First, like in '69 and '68, the Central Party Governmental Agency of Science and Religion--"

THE INTERPRETER: The Central what?

BY MR. LICHTER:

Q "Central Party Governmental Agency."

A That is a lie.

Q You never said that?

A No, the Central Committee of the party, the director's name is Armando Camachia.

Q Would you read that name for him?

My question was, were you trained by the governmental agency--would you read that name?

(Interpreter complies.)

THE INTERPRETER: This one.

MR. LICHTER: Yes.

(Thereupon, the transcript was
read in Spanish to the witness.)

THE WITNESS: No.

BY MR. LICHTER:

Q That is not--

A That is a mistranslation of the interpreter. That does not exist in Cuba. That agency that you are talking about does not exist, what exists, what exists, I have not translated.

Q There was no question.

MR. GREGORIE: If it please the Court--

THE COURT: Counselor, would you just

let the man translate?

MR. LICHTER: I am sorry, your Honor.

THE INTERPRETER: What exists are the courses of science and religion at the Ministry of the Interior by Armando Camachia-

BY MR. LICHTER:

Q Well, now, these courses of science or religion are the courses that you took in order to work for the Cuban Government, correct?

A Those were courses of the Cuban Government.

Q And in those courses they taught you to combat the counter-revolutionaries and Catholics and Jehovah's Witnesses, didn't they?

A Yes.

Q Okay. What, who were your instructors, sir?

A Armando Camachia.

Q He taught all of these courses?

A They were two.

Q Now, by counter-revolutionaries, sir, what you mean would be Capitalist Americans, isn't that true?

A I do not understand your question.

Q Would you tell me what you mean by

counter-revolutionaries?

A For us, or to us, counter-revolutionaries are any of those who are against the Cuban revolution.

Q Would that include Americans, wouldn't it?

A Tell him that whoever may be against the Cuban revolution.

Q Would that include Americans, sir?

MR. GREGORIE: Objection, your Honor. I think it is asked and answered.

THE COURT: Let him answer it, please.

BY MR. LICHTER:

Q Now, sir, after you took these courses--

THE COURT: The answer to that, of course has been given and would be repetitious, includes all of those Americans who are against the Cuban revolution.

MR. LICHTER: I am sorry, your Honor. I did not hear it that way.

THE COURT: All right. In other words, he has answered the question.

BY MR. LICHTER:

Q Now, after you took these special courses of science and religion and learned how to combat the counter-revolutionaries and the Catholics you became a special agent of the Cuban government, didn't you?

A. Yes, when I passed.

Q. Now, thereafter--

THE COURT: Just a minute, Counselor, you are going to have to wait until the interpreter interprets the answer.

MR. LICHTER: Judge, I am sorry. I thought he said, "yes," and I--

THE COURT: Have you now completed the interpretation?

THE INTERPRETER: Yes, sir.

THE COURT: No, he said more than, "yes."

THE INTERPRETER: He said, "Yes, when I passed," Your Honor, and he said that, that is all.

THE COURT: Okay. Go ahead.

BY MR. LICHTER:

Q. Now, in 1978, were you cited because of your good work to take a special course?

A. Yes.

Q. Would you tell us what the nature of that course was?

A. Espionage.

Q. Espionage, and how long did that course last, sir?

A. I started in 1968, six months.

Q. Six months, and what courses did they teach you in espionage?

A. The first thing that they passed me through was training.

Q. Training in what?

A. Boats, weapons, to deal with everything that I have to with Alpha 66 by means of my brother, let me tell you that my training, it is not a specialized training like the spies in Europe or like the spies which are in Miami.

Now, all these dates, data, are in the possession of the FBI.

Q. What date?

A. What do you mean, what data?

Q. What data is in the hands of the FBI?

A. The names of the Cuban agents.

Q. What other data?

A. Those.

Q. And now, the Ministry of the Interior first trained you to infiltrate Alpha 66, is that what you are telling us?

A. Yes.

Q. Now, when your training was complete, did they send you on a mission, sir?

A. When my, that was completed, they sent me to Artamesa because I have not been to Artamesa for about 18 years, and there I began doing contact with the families of my brother who is here, and--

Q. Mr. Estevez, can I interrupt you for a minute.

Did they send you on a mission after your training was complete with the Cuban Government?

A. Yes.

Q. Was this mission supposedly to infiltrate Alpha 66?

A. Yes.

Q. Now, this was in, this, when did this take place that you went on this mission?

THE COURT: Counselor, would you please move the microphone? You are not coming through the microphone.

MR. LICHTER: Do you prefer I speak with the microphone?

THE INTERPRETER: Yes, yes, thank you.

BY MR. LICHTER:

Q. Would you tell us, please, when this was that the Cuban Government sent you on a mission to infiltrate Alpha 66.

A. I finished in '79 by May, more or less. We made the contact with my brother.

Q. When was this, sir?

A. In '79, it was the first time that I wrote to this country.

Q. Okay. Mr. Estevez, when you were receiving your training to infiltrate Alpha 65, who were your instructors?

A. Well, my instructors at my time were three. One of them was named Rodovaldo Ricco Rodriguez

There was Francisco Aichamendia and the other one whom I don't recall right now.

Q. Well, were these the men that told you what you were supposed to do when you came to the United States?

A. No.

Q. Who was that?

A. Lieutenant Colonel Carlos, Colonel Nelson and Captain Euphrain.

Q. What were their last names, sir?

A. Those are their names.

Q. Did you ever know their last names?

A. I knew them, I didn't know their surnames

Q. Do you know if David Perez knew your

instructor, Lieutenant Colonel Carlos?

A. No.

Q. Okay. Now, how did you come to the United States, sir?

THE INTERPRETER: How or when?

BY MR. LICHTER:

Q. How.

A. On a boat by Mariel.

Q. And when you came you came to work with Alpha 66, is that right?

A. Yes.

Q. And how long did you do this?

A. Uh-huh, two or three days, I started.

Q. How long did you work trying to infiltrate Alpha 66?

A. What?

Q. How long did you try to infiltrate, how long did you work with Alpha 66?

A. About two-and-a-half months.

Q. And this mission, I think you told us yesterday, didn't you, ended because you sank two boats and you destroyed them economically?

A. Yes.

Q. Sir, isn't it a fact that you never worked with Alpha 66?

A. I don't understand your question.

Q Isn't it true that you never worked inside of Alpha 66?

A. I did work for Alpha 66. I am here to tell the truth.

Q Sir, did you testify before a Grand Jury on August 6, 1982?

A. Yes.

MR. LICTHER: All right. Perhaps, your Honor, it would be easier if the interpreter read the questions and answers to him in Spanish. I would like to read them once in English for the record. Page 35.

He was asked starting at line ten.

"Q (By Mr. Gregorie) Why did you go to--"

I am sorry, line seven:

"Why did you go to Mariel.

"A. The Alpha 66, they wanted to pick up some money to buy arms, the first boat, the mission was to pick up 35 people total. There were 55 people which was $55,000.

"Q I am not sure he understands the question. Ask him this question again."

And a juror says:

"Let me rephrase it."

All right, he was in Miami working as an operator with an Alpha 66 operator and the witness says, "I did not work inside of Alpha 66."

And then a juror says, "Didn't you say your mission when you left Cuba was to infiltrate Alpha 66 in Miami?"

The witness, "But I did not work in Alpha 66."

Would you read that?

THE WITNESS: That is true. I worked for Alpha 66. What I was not was an officer or an official of Alpha 66.

BY MR. LICHTER:

Q Did you understand that question to ask whether you were an official of--

A Yes.

Q Alpha 66 at the time, sir?

A That question, yes.

Q Okay. You came to Miami during the Mariel boat lift, didn't you, sir?

A Yes.

Q And you worked here for two-and-a-half months with supposedly with Alpha 66, right?

A Yes.

Q And what was your first job with Alpha 66?

What did they want you to do?

A To destroy it.

Q That, what did Alpha 66 want you to do for them?

A Uh-huh, this matter of Alpha was to make the connections through my brother. They made a plan for me to be the chief of boat operations. I repeat, they made the plan, but it was a bad job that I did and everything that had to be done was destroyed.

Q Wouldn't it be true, sir, that you are claiming that Alpha 66 wanted you to go for them to Mariel?

THE INTERPRETER: To go for them to Mariel?

BY MR. LICTHER:

Q Right.

A I did some plans with them for them. I had to do the plan in reference to the matter of the weapons. I gave them the idea of going to Mariel in order to collect some money for the organization. They did not agree at that time because their ideals are not to bring Cubans for money but to, but to bring them out of the country.

Q Let me, Senor Estevez, what I want to know is how could you come here during the Mariel boat lift, work for two-and-a-half months and then go back to Mariel on behalf of Alpha 66.

My question is, wasn't Mariel over?

A Mariel wasn't over, no, no.

Q How long did Mariel last?

A It lasted until July 26th.

Q How long a period of time did it last?

A It lasted since April until July.

Q It didn't terminate on May 30th?

A The Mariel? No. It ended on July the 26th at 6:00 in the afternoon.

Q All right. Now, after you are done working for Alpha 66 and Mariel, you just went on back to Cuba, didn't you?

A Yes.

Q Now, I suppose that you could come and go back and forth to Cuba whenever you wanted to, couldn't you?

A Yes.

Q Just every month if you wanted to, just like clock work?

A No, I went every month.

Q You went every month?

A Yes.

Q And how did you do this, sir?

A This is quite a free country. You take the boat and you go.

Q You didn't run into any Coast Guard patrols?

A Many Coast Guards, but nothing happens.

Q So you went back to Cuba, rather, and there in Cuba Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain tell you you are going to begin a new job, is that right?

A That is not the way it is.

Q You didn't testify yesterday that your boss, Lieutenant Colonel Carlos and Lieutenant Colonel Nelson and Captain Euphrain of Cuban Intelligence in Havana told you to begin a new job?

A You explained, now, there, that they waited, Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Euphrain, that they waited for me there. No. The one that waited for me at the caco was Lieutenant Colonel Nelson and Captain Euphrain and I met at their riviera with Lieutenant Colonel Carlos.

Q This is Havana, sir?

A Yes. Havana, yes.

Q Did those three gentlemen tell you you were to begin a new job?

A Yes.

Q And that job was to go to Bimini and start doing contacts with smugglers?

A Yes.

Q Now, as part of your job, wasn't it true that you were supposed to also inform the Cuban Government?

THE INTERPRETER: That you were supposed to also be--

BY MR. LICHTER:

Q Inform the Cuban Government about what kind of drugs are coming into the United States and how much they are trafficking, is that right?

A Not the kind of drugs.

Q You never stated that you were supposed to inform what kind of drugs and how much you were trafficking?

A Yes.

Q You did say that?

A Yes.

Q In fact this was part of the reason that you were getting paid by the Cuban Government, supposedly, is that right?

A. I didn't understand the question.

Q. You were getting paid by the Cuban Government to do your spying?

A. Yes.

Q. And wasn't part of the reason that you were getting paid because you were supposed to inform the Cubans about what kind of drugs were coming into the United States and how much?

A. I informed that every month.

Q. Okay. So the answer is, "yes," is that right?

A. Yes.

Q. Okay. Now, didn't they also tell you in Cuba that because you did such a fine job with Alpha 66 that they were looking for you?

A. A good job? What?

Q. Let me rephrase it.

Didn't they inform you in Cuba that Alpha 66 was looking for you?

A. Yes.

Q. In Bimini?

A. No.

Q. They didn't tell you in Bimini, because the 2506 Division of Alpha 66 was doing training sessions in Bimini?

A. Yes.

Q. They did tell you that?

A. I saw them.

Q. You were never informed about that?

A. About what.

Q. About them looking for you in Bimini?

A. Several persons told me.

Q. So where, in fact, did the Cuban Government send you to start trafficking your drugs, sir?

A. For me to start my drug trafficking, it was--

Q. Wasn't in Bimini?

A. About others, about August the 10th when I started doing the contacts.

Q. When you started doing what? I am sorry.

A. Contacts.

Q. Contacts? Where did they send you, sir?

A. Bimini.

Q. Bimini.

Now, the Cuban Government was paying you, weren't they?

A. They gave me $5,000 for expenses.

Q. When?

A. On the 8th or 10th of August.

Q. How many other payments did you receive?

A. No. When I started it was I who gave the money.

Q. You paid the Cuban Government?

A. The money that I would get, that I would give, because I couldn't have any money, little money.

Q. Mr. Estevez, my question is, did you receive money from the Cuban Government?

A. Yes.

Q. And my question, next question is, how much did you receive in total from the Cuban Government?

A. A total of about eight, am I speaking too low, Counselor?

Q. No, you are doing fine. I am just trying to--

A. A total of about $8,000.

Q. You got $5,000 of that in Cuba before you went to Bimini, right?

A. Yes.

Q. Okay. Now, you are also receiving money from the United States Government, isn't that true?

A. What?

Q. Isn't it true that you are receiving money from the United States Government?

A. I wasn't receiving money from the United

States Government.

Q Are you presently receiving money from the United States Government?

A Yes.

Q When did the United States Government begin to pay you?

A It is, it started when they gave me the protection.

Q Do you remember when this was that the American Government began protecting you?

A Yes.

Q Please tell me.

A August the 17th.

Q And what is the total amount of money that you have received from the United States Government?

A For the expenses of the apartment and for food expenses.

Q Excuse me. Do you know what the amount is that you have received in total?

A No.

Q When was the last time you received any money from the United States Government?

A The last time? A week ago.

Q And how much was that?

A It was in total for expenses of the

apartment.

Q. How much was it?

A. $900.

Q. Now, would it be a fair statement that you stated that you have received approximately $9,000 so far?

A. No.

Q. It wouldn't?

Would it be more or less?

A. Yes.

Q. Sir, I want to show you what we are going to mark right now as defense, marking as Defendant Exhibit 1 for Identification.

I want you to look at that and tell me if you have ever seen that before.

You have never seen that?

All right.

May I have just one moment, your Honor.

Sir, I ask you to look at this one time, paying particular attention to the top. Is that your signature up there? Did someone just write your name?

A. It is not mine.

Q. Okay.

A. If something is not mine I don't know what it says there. The paper is not mine.

Q. Okay, now in Cuba, before you began to work with the smugglers, they also trained you about drugs, is that right?

A. Yes.

Q. What drugs did they teach you about?

A. Mainly marijuana and cocaine.

Q. And what did they teach you about marijuana?

A. How it was, the color, gold, commercial, noncommercial, good, everything, everything that was sufficient to infiltrate myself with the traffickers.

Q. And they also taught you about cocaine, too, didn't they?

A. Yes.

Q. And what did they teach you about cocaine?

A. About cocaine? Everything.

Q. Well, how long did these courses take, sir?

A. No, eight days, more or less.

Q. What other drugs did they teach you about?

A. I think no one else.

Q. Now, you leave Cuba and you go to Bimini and you begin to traffic in drugs, is that right?

A. No.

Q. You didn't leave Cuba and go to Bimini and traffic drugs?

A. But at first I did not traffic in drugs.

Q. Did you tell us yesterday, sir, that you left Havana in October?

A. August, in October it was when I made contact with Frank Bonilla.

Q. Sir, when you returned to Cuba, did they instruct you to go to Bimini?

A. Yes.

Q. When was that, sir?

A. About the 8th of October, no, July, Augus t, the 8th of August, I arrived in Bimini, about the 12th or the 13th.

THE COURT: The jury wants to take a short recess, Counselor. Just have a seat a moment. You can step back in the jury room for a minute.

[Thereupon, a brief recess was taken after which the following proceedings were had:]

THE COURT: It is ten minutes to 12:00. Do you want to go to lunch now or work for a while?

MR. COHEN: I have an arraignment that they rescheduled. It is rescheduled for noon today in front of Judge Shapiro.

MR. LICHTER: I have no preference whatever, whatever the Court's pleasure is.

THE COURT: Do you have objection to the Marshal telling the jury that you can go to lunch and come back at 1:15?

MR. LICHTER: No objection.

THE COURT: Is that all right with all of you?

Just tell them the Judge said, "You can go to lunch. Come back at 1:15." 1:15, then.

(Thereupon, the trial was adjourned for a luncheon recess, to reconvene at 1:15 p.m. of the same day.)

THE COURT: Now, gentlemen, just as we were ready to come back into the courtroom at the allotted time, two nice-looking, well-dressed ladies came in and said that they wished to speak with Mrs. Garcia and said that one of them was the sister, Bill?

THE CLERK: And the mother of Mrs. Garcia

THE COURT: And the mother, said they had a family matter they wanted to talk with her about. Is that correct?

THE CLERK: Yes, sir.

THE COURT: So I told Bill just to have the lady brought out to talk to the two folks, so I point out that to you just that that transpired within about the last few minutes.

I have no idea whether they are talking about paying a bill or some shower for another sister or what-have-you, but I pointed that out to you for what it is worth.

MR. SANFORD: Your Honor, if I may address the Court.

THE COURT: Yes, sir.

MR. SANFORD: Yesterday Mr. Mervis had made mention of the Government's response to my request for a motion for a production of certain documents that I made on the first day of trial. I would like to know whether the Government, if they are in a position to respond at this time because it may have a bearing on my cross-examination of this witness.

MR. MERVIS: Judge, as I had indicated to the Court, the Government has passed along a request. Materials are being assembled. My understanding was they were supposed to be Express Mailed yesterday, then they apparently closed down Washington again and now I just checked with my secretary and was told they were going out today. I can summarize the kind of materials that we are expecting.

THE COURT: Do that at this point.

MR. MERVIS: May I have a moment to--first of all, Judge, there were certain multi-lateral agreements entered into by the United States and among other countries, Cuba, dating as far back as 1926 and one in 1961, although those are public records, those as I understand, are within the request. I pass along that information. Those earlier agreements, the '30 and the '26 were essentially abrogated by Cuba with the revolution.

With regard to informal memos and memoranda and protocols, I am informed that during the Carter Administration an agreement, an informal passage of memo was made between the United States and Cuba concerning reciprocal sharing of information and I am informed that the United States gave information to Cuba concerning narcotics and smuggling but that Cuba never gave the United States any information and in effect failed to live up to this memorandum of understanding which had been reached.

THE COURT: Well, how about the particular reference that someone whose name you know and appears in a publication, do you have any idea what the Government considers he was referring to?

MR. MERVIS: Judge, that testimony, that

Mr. Sanford has was, of course, public testimony before a subcommittee and I think that he is probably referring to these memorandums which I just described. Maybe I missed the point of that, but I have just given the Court a summary of all of the documents which I understand have been collected and what in effect they do which is an agreement to trade information, share information and that Cuba apparently never lived up to its end of the bargain.

THE COURT: All right. Now,you believe th the information has been compiled?

MR. MERVIS: Yes, sir.

THE COURT: A question of getting it here?

MR. MERVIS: What happened with the snow storm apparently it did not get out when it was supposed to.

THE COURT: How does it get out, on an airplane, or something?

MR. MERVIS: It gets out by delivery from the State Department to the Department of Justice, then by Express Mail. It has to be taken down to Express Mail.

THE COURT: All right.

Obviously, as soon as I get it I will submit it to the Court and make some determination if any, if it should be disclosed in the Government's view. I am certainly not dragging my heels on it.

MR. SANFORD: There is nothing I can do, Judge, I just have to wait for the mail.

THE COURT: Right, sir. Bring the jury in, please.

(Thereupon, the jury returned to the courtroom, after which the following proceedings were had:)

THE COURT: All right, sir.

BY MR. LICHTER:

Q Mr. Estevez, when we left for lunch I think you told us that you went to Bimini and began trafficking in drugs, is that right?

A That when I got to Bimini I began trafficking in drugs?

Q No. You went to Bimini to begin trafficking in drugs?

A Yes.

Q Okay. Now, I thought that you testified yesterday that you left Havana on October 8th, is that when you left?

A Around then, in July, in August.

Q All right, sir. When you testified before the Grand Jury you swore to tell the truth, didn't you?

A. Yes.

Q. And in the event that you did not tell the truth before the Grand Jury you could be prosecuted for a crime known as perjury. Were you told that?

A. Yes.

Q. Do you recall the following questions and the following answers? Page eight.

Grand Jury, page eight, Grand Jury testimony of August 6, 1982, line 18.

"Now, sir, when you returned to Cuba, did they instruct you to go to Bimini?

"A. Yes.

"Q. When was that, sir?

"A. In October."

THE WITNESS: In October, but you are explaining to me that when I came in August and the 29th of July through August the 8th that that is one trip, September and October, that is the LAZY LADY trip.

BY MR. LICHTER:

Q. When did you leave Cuba to begin drug trafficking, sir?

A. On the 8th of August, July, August,

August, yes.

Q Then your Grand Jury testimony would not be absolutely accurate, then, would it?

MR. GREGORIE: Objection, Your Honor.

THE COURT: State it. I like to know what it is.

MR. GREGORIE: Well, Your Honor, he is characterizing the testimony without, as not being accurate. The witness is telling him that it is.

THE COURT: That is argumentative, Counselor. You can continue. Sustained. That is an argument.

BY MR. LICHTER:

Q All right. Which date is the most precise, Mr. Estevez, that you left?

THE COURT: No, no, just ask him, ask him questions, singular questions, please, sir.

BY MR. LICHTER:

Q When you left Cuba in August, is that right?

Where did you go?

A Bimini.

Q Okay. How long did you stay in Bimini?

A One month.

Q And during that month, that was the

month that you were looking for the people you were supposed to meet, is that right?

A What?

Q Why did you go to Bimini?

A To make contacts.

Q With who?

A With the traffickers.

Q Anybody in particular?

A No one.

Q No one in particular?

Sorry.

THE INTERPRETER: You ask the question before I translate, Counselor.

MR. LICHTER: I am sorry.

BY MR. LICHTER:

Q No one in particular?

A No one.

Q How many previous drug trafficking runs did you make before meeting the people on the LAZY LADY?

A When I arrived, because I have to explain this to you.

Q Could he first just answer the question?

How many trips did you make?

A I have to think about it. No.

Q Go ahead.

A About two trips, I believe.

Q Okay. In each one of those trips was-- strike that.

Those trips you did before you met the people on the LAZY LADY, and had nothing to do with this case or the people in court here, did they?

A I didn't understand. The thing is that you are, you are speaking to me in a low voice, also.

THE INTERPETER: He is referring to the interpreter, for the record, referring to my volume.

In other words, the problem is that if I speak too loud and I am going to disturb the court reporter so I will try to, can you repeat the question?

BY MR. LICHTER:

Q Sure.

Before you met the people on the LAZY LADY, how many trips, drug trips did you make?

A Oh, drugs?

Q How many?

A Two, two, two trips, more or less. I don't recall. They were, I gave many trips, but not drugs.

Q Well, was the first time that you trafficked in drugs when you went out with the LAZY LADY?

Was that the first time you trafficked in drugs?

A No.

Q When was the first time that you trafficked in drugs?

A A month after I had arrived in Bimini.

Q Would that be some time in September of 1980?

A July, August, between the end of August and the beginning of September.

Q When was the, excuse me, when was the next time that you trafficked in drugs?

A When it was the next time, the first trip was with Ochoa.

Q That wasn't my question.

When was the next time that you trafficked in drugs?

A Oh, afterwards, with the LAZY LADY.

Q So you did one trip at the end of August, approximately, and your next trip was with the LAZY LADY, is that right?

A One or two trips. I don't recall very

/

well.

Q Do you recall telling the Grand Jury that you had made at least three trips prior to meeting the people on the LAZY LADY?

A Yes.

Q So the answer today should be three trips, is that right?

MR. GREGORIE: Your Honor, I believe Counsel has taken out of context. If he wants to cite to the Grand Jury he should cite the question and the answer.

THE COURT: Do that for us, Counselor, if you will.

BY MR. LICHTER:

Q Yes, Your Honor.

Referring to page ten, starting at line two, the following, do you recall the following questions and answers, sir. Excuse me. I withdraw the question. I am sorry.

Your first trip was with the drug trafficker, Ochoa?

A Yes.

Q Ochoa who?

A Mendoza.

Q Ochoa Mendoza?

A. Yes.

Q. And what did you do for Mr. Ochoa Mendoza?

A. I transported from Bimini to Miami in a launch, a shrimper.

Q. What did you transport?

A. A thousand pounds of marijuana.

Q. Did this marijuana come from Colombia through Cuba?

A. No.

Q. Does it have anything to do with this case?

A. No.

Q. After that, who did you do a drug trip for?

A. After that I met Majuas.

Q. Majuas, and was this a last name or a first name?

A. Well, it is a surname.

Q. Okay. And what was Majuas' first name?

A. I don't know. I knew, but I don't remember.

Q. Did he pay you something for working for him?

A. For unloading an airplane, yes.

Q. How much did you receive from him?

A. $38,000 he paid me, the first trip.

Q. And how much did Mr. Ochoa Mendoza pay you?

A. Mendoza--

THE INTERPRETER: Mendoza? Mendoza? I am sorry.

THE WITNESS: How much, how much he paid to me, to me? He was in the first trip, 35,000, and he had to give me 15,000 that he owed me.

BY MR. LICHTER:

Q. So that made a total of forty thousand that he paid you?

A. Yes.

Q. Okay. Do you recall testifying before the Grand Jury that Mr. Ochoa paid you over $68,000?

A. Yes, yes.

Q. Well, which did he pay you, sir?

Did he pay you 40,000 or did he pay you 68,000?

A. The gentleman is asking me about Ochoa. He asked me about Majuas, how much Majuas gave me, how much Ochoa gave me, and the $68,000 that I took to Cuba was between the illegal, illegals to enter this country and the marijuana.

MR. LICHTER: I am sorry. Could the court reporter repeat that answer? I apologize to the court.

(Thereupon, the above answer was read back by the court reporter as transcribed.)

BY MR. LICHTER:

Q Mr. Estevez, did you or did you not receive $68,000 for your first drug trip?

A No.

Q Calling your attention to page ten of your Grand Jury testimony of August 6, 1982, do you recall the following questions and answers?

A Yes.

Q Line 12:

"Q At some time, sir, did you receive information about a special shipment of narcotics for which you were to assist?

"A Yes. When I made that first trip of mine I received, it was $68,000."

MR. GREGORIE: Objection, Your Honor.

THE COURT: What is the objection.

MR. GREGORIE: Counsel has taken a piece without following the entire context of the page.

THE COURT: Very well, We will allow you to read any portion of it that there is on it.

MR. GREGORIE: I think he should show it to the witness so that the context will be clear.

MR. LICHTER: I will be happy to, Your Honor.

Would you translate that from that line?

THE WITNESS: Yes, yes, yes.

THE INTERPRETER: And then he mumbled something that I couldn't hear.

THE WITNESS: I took $68,000 to my country, 35,000 that Ochoa gave me plus 23,000. It was a total of 68,000. That was between illegals and the payment of the marijuana.

BY MR. LICHTER:

Q Illegal what?

A Colombians and Haitians,illegals. The Haitians I was not allowed to charge for and I can bring to you some witnesses.

Q When were you involved with the illegal Colombians and Haitians, sir?

A In order to make the first contact with the traffickers, that was the first thing that I did here, and it is said there.

Q Was this in August of 1980, then?

A Yes.

Q And how many trips did you make in August of 1980 with illegal Colombians and Haitians?

A It could be that I made about 18 or 20 trips.

Q Okay. Thereafter you eventually met up with a group of people on a boat known as the LAZY LADY, is that right, sir?

A Yes.

Q Now, in Cuba they told you that Frank Bonilla was going to approach you, didn't they?

A To make contact with Frank Bonilla.

Q But they told you that he was going to approach you?

A That he was going to approach me?

Q Correct.

MR. GREGORIE: Objection, Your Honor.

THE WITNESS: That he?

MR. GREGORIE: I believe the witness was asking a question, not providing a statement and Counsel is trying to affirm it, Your Honor.

THE COURT: You have a translation, he was doing just whatever he did. The jury heard. I cannot tell him how to react to what is being said here, Counselor.

BY MR. LICHTER:

Q Right. Mr. Estevez, when you met the people on the LAZY LADY, did you meet a man named Frank Bonilla?

A Yes.

Q When you met Frank Bonilla, what you said to him was, wasn't it, "I am Mario. You are Frank and you are coming to work with me on this ship"?

A I didn't understand your question.

Q Did you say, when you met Frank Bonilla, "I am Mario. You are Frank and you are coming to work with me on board this ship"?

A That was something that that interpreter himself mistranslated or misinterpreted because the one who was going to work in the boat was me, because I am the one who he was the one who had it, because I am the, the one, excuse me. Can you ask him to repeat it again. I am really--

Q Tell us what you said when you met Frank Bonilla, please.

A "I am Frank and Mario," and Frank told me, "You are going to work on my boat."

Q Okay. Now, you supposedly met David Perez and the Frenchman in Bimini, is that right?

A. Yes.

Q. Then the next day after you met them you took the LAZY LADY out to sea, didn't you?

A. Yes.

Q. Who was the captain of the LAZY LADY, sir?

A. I.

Q. Would you tell me, please, how big the LAZY LADY was?

A. Forty-eight foot, stateroom on bow, after the center after the stateroom or the cabin, to the galley with the refrigerator and another bed. That the helms they had two helms, one on top and one underneath.

Q. Where was the radio?

A. Two engines.

Q. Excuse me?

A. At the uppermost portion of the boat in a drawer.

Q. In a drawer?

A. Yes, on the right, to the right side.

Q. Now, the reason that you were going out in the LAZY LADY was to do what, sir?

A. To look for a, David Perez lost the boat.

Q Was David Perez the owner of that boat?

A. No.

Q Whose boat was it?

A. Frank Bonilla's.

Q The boat that was lost was Frank Bonilla's?

A. No. The one that got lost was David Perez'.

Q David Perez was the owner of that boat?

A. I cannot tell you that he was the owner. He said that he was the owner.

Q He said he was the owner?

A. Yes.

Q Okay. And what was the name of that boat, sir?

A. If I don't recall incorrectly, I think it was the ROCKY VI or RICKY VI. I don't know.

Q Did you ever--

A. In English.

Q Did you ever call it the RX I or the RX II?

A. No. I don't understand.

Q I want to draw your attention to page 11 of your Grand Jury testimony, starting at line 18, you were answering, I believe, the transversal was made because we were looking for David Perez' boat."

THE INTERPRETER: Counselor, I am sorry, but I cannot follow. You are leaning down.

BY MR. LICHTER:

Q I am sorry.

"The transveral--

THE INTERPRETER: The transveral?

BY MR. LICHTER:

Q "The transversal was made--"

THE INTERPRETER: Excuse me. It makes no sense to me.

THE COURT: It does not matter whether it makes sense. Can you translate it?

THE INTERPETER: No, I can't, transversal

THE COURT: He said he cannot interpret that.

THE INTERPRETER: Okay. I understand, Judge. Will you start again?

BY MR. LICHTER:

Q "I don't remember if it was the RX II or the RX I."

Do you recall that testimony?

A Yes, I do remember it. It is right.

Q All right.

A. It was my first testimony and after the first testimony is when I have started turning my mind to all the jobs that we did because they were many, many jobs.

Q. There were, so you are telling us, sir, that your memory got better with the passage of time, is that right?

A. My memory has never improved. It is the same, but one begins to remember more, no?

Q. After a period of time passes?

A. Yes.

Q. Now, on this trip, sir, you were on the LUCKY LADY, and you ran out of gas, didn't you?

THE INTERPRETER: The LAZY LADY?

BY MR. LICHTER:

Q. The LAZY LADY.

A. Yes.

Q. You weren't at this time going to Cuba, were you?

A. No.

Q. You were looking for David Perez' boat?

A. Yes.

Q. Okay?

A. Yes.

Q. When you ran out of gas you went to

Nicholstown, is that right?

A. When we got, ran out of gasoline?

Q. After you ran out of gasoline you went to Nicholstown?

A. Yes.

Q. And you went to Nicholstown because David Perez has a friend who was a dealer, a narcotic trafficker, is that right?

A. Yes.

Q. Okay. Will you tell us what this man's name is, sir?

A. I don't recall.

Q. Was it Bill?

A. I don't remember.

Q. Was it Don?

THE INTERPRETER: Don?

MR. LICHTER: Don.

THE WITNESS: No.

BY MR. LICHTER:

Q. Was it Williams?

A. I think it is Williams, yes.

Q. Was it Hank?

A. Those were many guards. I don't know. I was living in his house for a long period of time.

Q. Well, how do you know he was a dealer.

a narcotic trafficker?

A. Because I saw the compacts with David Perez.

Q. So you assumed that he was the dealer, then, is that right?

MR. GREGORIE: Objection, Your Honor. It is argumentative.

THE COURT: Overruled.

THE WITNESS: I don't suppose it is because down there there was cocaine, yes.

BY MR. LICHTER:

Q. Did you see some cocaine sales?

A. Yes, I saw cocaine and I saw machine guns.

THE INTERPRETER: Judge, he is mixing Spanish and English and that turns me a little bit.

THE COURT: All right. Just repeat this for me. Mr. Witness, we want you to testify entirely in the Spanish language.

THE WITNESS: It is that sometimes one makes a mistake, you know, because one is studying English.

BY MR. LICHTER:

Q. Do you speak English, Mr. Estevez?

A. A little bit.

Q Have you referred to this gentleman in Nicholstown previously as the chief of the Mafia?

A He was the boss.

Q Of the Mafia?

A No, I don't understand Mafia.

Q Well, sir, on page 14 of your Grand Jury testimony, line, excuse me, line ten, do you recall the following statement by you.

"When we arrived to Nicholstown David communicates himself with the chief of the Mafia, being he is called the chief of the Mafia because he had the complete control of Andros."

A That is the other one.

MR. SANFORD: May I reserve a motion, Your Honor?

THE COURT: Yes, sir.

BY MR. LICHTER:

Q Well, what other one, Mr. Estevez?

A The friend, not the one that David saw, the friend of the one at Andros inclusively owns an airport in Fort Lauderdale.

Q Sir, I refer--

A And if I said Mafia it was because he is the one who has control of all that down there.

Q That is not the same person that you went to when you ran out of gas?

A. We went to the house of David Perez' friend and that friend is a partner of another one, no, who was the one who obtained the gasoline, the one who authorized the launches, everything.

Q Well, sir, did you go to see the chief of the Mafia when you ran out of gas on the way from Bimini?

A. It was David Perez and afterwards he took me to his house.

Q Was that the same person that you referred to as the chief of the Mafia?

A. That it was the friend.

Q I want you, to refer you to your testimony of September 24th, page eight, starting at line 14,

"We left Bimini to go to Cat Cay."

May I approach the witness, Your Honor?

> "To go to Cat Cay. From Cat Cay we went to Williams Island. Williams Island we ran out of gas and two Bahamians helped us.
>
> "From there we went to North Andros. At North Andros had an interview with Williams, the chief of the Mafia over there."

A. Yes.

Q. Right. Now, was the chief of the Mafia, was this a friend of David's friend or was this David's friend?

A. It was the friend of the friend of Davidb, but it was also his friend.

Q. Anyway, the chief of the Mafia gave you a speed boat, didn't he?

THE COURT: He gave you what?

BY MR. LICHTER:

Q. A speed boat?

A. Yes.

Q. Then you went to a place called Guinchos Cay looking for David Perez' boat, is that what you, is that what happened?

A. I didn't go thinking about Guinchos Cay.

Q. But you went looking for David's boat?

A. In there.

Q. Is that what happened?

A. Yes, yes.

Q. Okay. Who went in that boat with you?

A. Well, Tom went, Chummy went, Clemente. the Frenchman went, and this speaker.

Q. Now, this is a 26-foot boat, sir, is

that right?

A. How much?

Q. That is my question.

How big was the boat, sir?

A. Twenty-six or 25.

Q. And how many people would the boat hold?

A. Well, the boat has room for more or less five or six persons.

Q. And when you left Andros and the boat, what did you put in it?

A. I didn't understand that question.

Q. Did you put anything in the boat before you left Andros?

A. Yes.

Q. Tell me what, please.

A. I put weapons.

Q. What else, sir?

A. I put food stuff, no ?

Q. What else, normally.

A. That I remember, I think nothing else.

Q. Now, how long had David Perez' boat been lost, sir?

A. What time?

Q. Yes, how long had it been lost?

A. I think about two weeks, about that.

Q. Would it be a fair statement to say that it had been lost for several weeks, then?

A. Two weeks.

Q. Now, during the time that this boat was, excuse me, you did say you found the boat in Guinchos Cay?

A. Yes.

Q. And what, what if anything did you do in Guinchos Cay?

Did you take the people off?

A. Well, the first thing I did was to lower my head because Jose Luis Martinez grabbed the weapon and they almost shoot at us.

Q. Did they shoot you, sir?

A. No, no, but he told me that he almost lifted the top of my skull.

Q. But he didn't do that, sir, did he?

A. He didn't do it because the Frenchman was the one who knew Jose Luis.

Q. Now, this was because he may have thought you were a pirate, isn't it?

MR. GREGORIE: Objection, Your Honor.

THE COURT: Sustained.

BY MR. LICHTER:

Q What did he tell you that this was, because he thought you were a pirate?

A We didn't speak anymore about that.

Q You never asked him why he might have shot at you?

A I never asked him.

Q Now, then, you went back, you left all the people on the island, didn't you?

A No.

Q Who did you bring back?

A Of the people?

Q Who did you bring back with you?

A I brought back Tony and Chum and Clemente stayed with him.

Q Why did Clemente stay there, sir.

A To give them security, to give them the security that we would return, now, although they were somewhat not worried because they had received an emergency from the Coast Guard.

Q You mean the Coast Guard had already given them food and water and sent them a radio, sent them a radio?

A I don't know about food stuff, I think it was water that was given to them, water.

Q Okay. Where did you go from there, sir?

A. From there I went to the North Andros.

Q. And what were you, why did you go back to North Andros?

A. To return to the LAZY LADY and to inform that I had found already the people.

Q. If I may have just a moment.

You met up, did you in fact meet up with David Perez and the LUCKY LADY?

THE INTERPRETER: Did you say LUCKY?

BY MR. LICHTER:

Q. I am sorry, the LAZY LADY?

A. Yes.

Q. All right. And where were you going, then?

Where were you to go?

A. What do you mean, where should I go?

Q. Where were you going?

A. When I arrived at the boat?

Q. Let me rephrase the question.

You arrived in South, in North Andros and you met the LAZY LADY, didn't you?

A. Yes.

Q. Did the LAZY LADY leave from North Andros?

A. We agreed that they would move to the south and that we would rendezvous when I would get at the Coast Guard Base.

Q Did you in fact rendezvous at the Coast Guard Base?

A No.

Q What happened?

A What do you mean, what happened. Nothing happened down there.

Q You didn't rendezvous?

A Yes, the boat, the boat, what I said at the Coast Guard Base, I mean that it wasn't in port, that is, in front of the Coast Guard Base.

Q Did you and the LAZY LADY at some point make a decision to go to Cuba?

A Yes.

Q Now, the only one that knew you were going to Cuba was you, wasn't it?

A Yes.

Q None of these other gentlemen knew you were going to Cuba, did they?

A When I knew that I was going to enter Cuba, to go to Cuba, David Perez had already communicated with Jaime Guillot-Lara.

Q When did you learn you were going to Cuba, sir?

A I knew when I would go to Cuba at South Andros. Now, knowing that the boat was next to Cuba a long time ago.

Q In South Andros you knew that you were going to go to Cuba, is that true?

A I knew that I was going to go to Cuba.

Q No one else knew, did they?

A David Perez knew that the boat was in Cuba and that he had to go to get it. When I say the boat, the boat, the VIVIANA.

Q None of the other people knew you were going to Cuba, did they?

A No. I don't know if Frank.

Q No, the only one who knew that was yourself, wasn't it, sir, because you took control of that information?

A Yes.

Q Now, there was a radio call that was placed to Jaime Guillot-Lara from the LAZY LADY?

A Yes.

Q Now, sir, would you tell me, please, where that radio transmission supposedly took place?

A Close to South Andros.

Q All right, sir. Did you ever, do you recall stating that this transmission took place from

North Andros?

A. At North Andros David Perez did telephonic communication from the hotel to Colombia.

Q. Well, sir, do you recall saying on another occasion that it took place 24 miles from Cuba?

A. Yes, sir.

Q. Sir, in either north or south, is North or South Andros 24 miles from Cuba?

A. South Andros.

Q. Sir, I wonder if you would step down, come over to this map here.

Would you please point out for me South Andros Island.

A. (Witness complies.)

Q. Okay. Very good. Thank you, sir.

Okay. Wait a minute. Would you put a mark around that, sir?

MR. GREGORIE: Your Honor, we have another overlay if it would be helpful to mark that out.

MR. LICHTER: I am only going to put one mark and use a different colored pencil. It is a red pencil.

THE WITNESS: Let me tell you--

BY MR. LICHTER:

Q Please put a mark where South Andros is.

A (Witness complies.)

Q Okay. Thank you very much.

Now, were you, did you make this radio call from South Andros or North Andros?

THE INTERPRETER: Or, Counselor?

BY MR. LICHTER:

Q Or North Andros.

A You are talking about a call? Which call, David, David's call, my call?

Q Well, sir, did you yesterday tell us that this call was, that this radio message was made from South Andros Island?

MR. GREGORIE: Objection, Your Honor, which radio message.

MR. LICHTER: I think there was only one.

THE CLERK: Counselor, do not discuss what he told us yesterday.

Rephrase the question, please.

BY MR. LICHTER:

Q Did you have a telephone conversation with Jaime Guillot-Lara?

A. Not me. David.

Q. And when did David have this telephone call?

A. David had this phone call the first night that we arrived in North Andros.

He had about three calls.

Q. That was before you were supposed to rendezvous near the submarine base, correct?

A. Yes.

Q. Do you recall the following questions and answers, sir, the Grand Jury testimony of April 24th, page nine, the following question and the following answer starting at line 18.

> "From over there I go again to South Andros Island and from there I go to the submarine base, and--"

A. Yes.

Q. "And I make contact with David who was on board this ship."

A. Yes.

Q. "And who was captain of the LAZY LADY."

A. Yes.

Q. "We leave there and go to North Andros and we leave for Cuba from there."

A. No, no, no. We left for South Andros.

That is the interpreter there, no me.

Q You didn't say there, you get in touch, this isn't right, then, with Jaime Guillot-Lara?

A Yes.

Q That is correct?

A David was in touch about seven or eight times with Jaime Guillot-Lara.

Q While he was on board the LAZY LADY?

A While he was aboard the LAZY LADY he did a call and then he did the next one about two hours later.

Q Made a telephone call while he was on the LAZY LADY?

A Not, not over the telephone.

Q Well, sir, what did he say to Mr. Lara?

A He said to him that the truck was, that one that that, gosh, that it was in Cuba.

Q Well, sir, didn't you tell us that was, that call was made from South Andros Island?

A Yes, South Andros, yes.

Q Well, would you take a look at your Grand Jury testimony of September 24th, page 11, I believe, starting at line 14.

"My question is, where in terms of geographical location were you when you received this message?

"A. Where was who?

"Q. Where were you in the boat, the LAZY LADY? Was it near Paredon Grande? Was it near Bimini? Where was it?

"A. Oh, geographically we were about 23, 24 miles from Cuba."

A. That, that is true, but you don't know the interpreter yourself, because that call was by the end that the truck was in Cuba.

Q. Well, sir, I thought this--

A. That one.

Q. I thought the first radio message you just told us about, you said that the truck was in Cuba.

A. At the boat, the first message at the boat.

Q. On the boat, on the LAZY LADY, didn't you tell us the first message was?

A. Oh, I cannot interpret two voices simultaneously.

Q. Didn't you tell us the first message from the LAZY LADY, that the LAZY LADY sent from South Andros said the truck was in Cuba?

A. Yes.

Q. Okay. The last message you got, which is now 24 miles from Cuba told you the same message?

A They, have said to him that the truck was in Paredon, and we already go into Paredon.

Q Well, all right, but you took over command of the LAZY LADY, didn't you, sir?

A Yes.

Q Now, you are the one that was sending and receiving these radio signals, weren't you, sir?

A No.

Q Was Jaime Guillot waiting for you to call so he could give the signal that the boat was in Cuba?

A Not me.

Q Well, sir, would you take a look at your Grand Jury testimony, page 15, Grand Jury testimony of August 6, 1982, starting about line 12.

> "Upon my counter signal that was when Jaime Guillot-Lara would say that the boat was this imprisoned in Cuba."

A Read that again to me, again. I did not--

Q Would you read that to him?

A I do not understand that. This, tell him that to begin with, the, how is it that you people are called, the interpreter, no, there were several, there were several problems with one.

Q Let me ask you a question, Mr. Estevez.

Did you read your Grand Jury testimony over?

A Never.

Q Never read it?

A No.

Q Okay. When these radio calls were going back and forth between you and someone else, you didn't know Jaime Guillot-Lara, is that true?

A No, no.

Q Were you, were you able to recognize-- strike that.

Before you went into Paredon Grande, you secretly made a radio call?

A Yes.

Q And you called the guard at the frontier of Cuba, didn't you?

A Not the guard, the post of the Coast Guard or the Border Guard at Sagula Chica.

Q In which you gave them your name which was for communications and telegrams, on number 40-36?

A Yes.

Q How many telegrams have you ever gotten as a Cuban spy, sir?

A. I don't receive. I send them. When I cannot go, I send a message to postpone it for another day.

Q. To Cuba?

A. Yes.

Q. Now, no one was present at the post, Sagula Chica where you called, was there?

A. Yes, there were.

Q. They were?

A. Yes, they were present.

Q. There was a guard present?

A. What do you mean, a guard.

Q. Who did you talk to, sir?

A. With the officer of Sagula Chica.

Q. What was his name, sir?

A. Oh, you ask me, and I don't know what his name is, I don't remember, but, I don't remember.

Q. Sir, do you recall your testimony on September 24th starting on page 12, line 8?

A. Uh-huh.

Q. Did you also speak with your boss that night?

A. I did not speak.

Q. Starting on line eight, sir, the statement was, "I get in touch with the guard at the frontier in

Cuba and I also get in touch with my boss."

A. Yes.

Q. "Who tells me to go directly to Paredon Grande."

A. Yes. I got in touch with him but I did not speak to him. He gives the information.

Q. All right. When people on the LAZY LADY found out that they were going to Cuba, how did they act, sir?

A. Somewhat nervous.

Q. Now, you did not want them to know you were a Cuban spy, did you?

A. Naturally, no.

Q. So you played along with them, didn't you?

A. Of course, but I said that they, there would be no problems in entering Cuba.

Q. Why were these people afraid to go to Cuba?

A. Because whoever gets to Cuba is arrested, even inclusively myself if, if I go without warning, without advising, I would be put under arrest, after this moment, and then I call over the telephone.

Q. You called over the telephone?

A. Yes.

Q The LAZY LADY had a telephone on it?

A I didn't say that, now.

Q Where did you call on the telephone.

A I said that whoever enters Cuba is detained, even myself, because when I get to Cuba and it has happened to me several times they have arrested me.

Q So they arrest everyone who enters Cuba?

A Sure.

Q And they also arrest people who deal in drugs in Cuba, don't they?

A Whoever has not made an agreement with Fidel, surely, he is going to be arrested, but I can **demonstrate** to you several persons who have made contact and they have unloaded their airplanes in there.

Q So if you don't make an agreement with Fidel you can be arrested for trafficking in drugs?

A Sure.

Q And when, sir, did you make an agreement with Fidel?

A I never made any agreement with Fidel.

Q What time did you arrive in Paredon Grande?

A About 6:00 in the afternoon.

Q Still light out?

A A little bit.

Q Enough to see some boats in the harbor, wasn't there?

A Yes, of course.

Q There was enough light to see another boat in the harbor?

A To see everything.

Q Enough light to see everything, right?

A Yes.

Q Okay. Now, eventually you had a meeting with Rene Baeza-Rodriguez, is that right?

A Yes.

Q Rene Baeza, he is your boss?

A Not my boss.

Q Did you know Rene Baeza-Rodriguez before?

A No.

Q May I have just a moment, Your Honor, please, sir?

Where did this meeting with Rene Baeza-Rodriguez take place?

A At the shrimp boat which was 72 or 78 foot. I don't recall.

Q This was an American tourist, this was an American shrimp fishing boat, wasn't it?

A. Yes.

Q. I think you called a tourism boat, is that right?

A. Yes.

Q. What was the name of this boat, sir?

A. Huh, I don't know.

Q. Would it refresh your memory if I told you the name of the boat was the INNI?

A. No, that is a, the boat of the International Institute of Tourist Industries.

Q. In Spanish it is

(Thereupon, the name was given in Spanish.)

Castro belonged to that organization? That wasn't the same boat that you met Rene Baeza on at 3:00 in the morning, at 3:00 o'clock in the morning?

A. Yes.

Q. Oh, it was?

A. That is the boat.

Q. The name of the boat, you don't remember, though?

A. No.

Q. But you do remember that it was flying the stars and stripes, don't you? The American flag?

A Who had the American flag?

Q The American shrimp boat, the tourist boat, the boat that you met Rene Baeza-Rodriguez on at 3:00 in the morning.

A Yes.

Q It was flying the American flag?

A How did it have the American flag if it is a Cuban boat.

Q I thought you told me it was an American shrimp boat, sir.

A If it is an American shrimp boat?

Q But they sure weren't flying the American flag, were they?

A No, that boat belonged to Cuba.

Q Okay. I draw your attention--

THE INTERPRETER: Counselor, please, counsel. Judge, I am having problems with this question before I have finished the translation.

MR. LICHTER: I apologize.

THE INTERPRETER: If you can--

MR. LICHTER: I am sorry, Mr. Interpreter.

BY MR. LICHTER:

Q Do you recall your testimony of September 24, 1982, page 14 starting on line 20:

"Q (By Mr. Gregorie) Then what happened?

"A I am taken to the tourism boat. That boat is a boat, is a fishing boat. It is an American shrimp fishing boat. I say that it was American because I saw the flag. I saw that it was American."

A That is untrue. It was an American boat. Let me tell you the story of that boat.

Q No. Hold on one moment.

"Sometime around 3:00 in the morning a launch comes over to the LAZY LADY."

Is that right?

A Yes.

Q You are lying at anchor in Paredon Grande?

A Yes.

Q They come on board and the first person they ask for is Captain Mario, is that right?

A Yes.

Q They don't ask for David Perez at that time, do they?

A No.

Q Later on after they take you over to the shrimp fishing boat they go back later for other people, don't they?

A Yes.

Q Okay. Now, when you arrived in Paredon Grande there was a boat there that you called the VIVIANA, is that right?

A I call it VIVIANA, because it is VIVIANA, but it had the name CORAL on top of the VIVIANA.

Q It didn't have the name MONARCA, did it?

A No.

Q Now, while on this shrimp boat with David Perez when you were there with David Perez you told him not to be afraid?

A Yes.

Q Now, you didn't, David was super nervous, wasn't he?

A Yeah, a lot.

Q Of course you didn't want him to know that you were a Cuban spy, did you?

A That no one would know anything.

Q So you played along and you acted a little afraid too, didn't you?

A I wasn't afraid. I told him not to be afraid, to calm down and to tell the truth, everything that he had to say that the boat was his and that he was coming to pick it up.

Q You didn't show David Perez that you were also a bit afraid like he was?

A Oh, that I told him, yes.

Q Oh, you showed him you were also nervous like he was?

A That, of course.

Q You were just play acting, weren't you?

A It could be that.

Q Now, you were there supposedly to pick up some contraband, some narcotics, weren't you?

A Yes.

Q Now, the owner of that material, it was clear that the owner of that material was David Perez, wasn't it?

A Yes.

Q Now, when was the first time that you saw the pills?

A The first time that I saw them?

Q Yes.

A It was in Los Pinos.

Q How long were you in Paredon Grande, sir?

A Two-and-a-half days or three days. I don't remember.

Q When did they get the mechanic to try and fix the LAZY LADY?

A. The next day in the morning.

Q. Then they told you that he couldn't fix it because it would take a day to get the parts?

A. It would take one day to go for, it is that they didn't want to do it.

Q. How long did you stay on the tourist boat, sir, the shrimp boat?

A. I stayed all night. In the morning I went to the boat and in the afternoon I returned to the tourist boat until the next day when they moved up.

Q. So how long would you say you were on the shrimp boat, sir?

Would three days be an accurate statement?

A. No. We could say two days.

Q. I draw your attention to your Grand Jury testimony of September 24, 1984, page 16 starting around line 10.

> "Q. How long did you stay on the tourist boat?
>
> "A. Three days, until I left."

A. Yes, one thing is that testimony down there you talk, now, when you get here I have to say the same thing. If we are going to say that I was there at the Cuban boat and we put together all the hours, that does not make one day because I was from my boat to that boat.

Q How many days did you stay on the shrimp boat, sir?

A How could I understand you to mean how many days?

Q You didn't have any trouble understanding the prosecutor when he asked that question.

THE COURT: Don't argue.

MR. GREGORIE: Objection, Your Honor.

THE COURT: Do not outshout me, Counselor, please. It will wake me up.

MR. GREGORIE: Sorry, Your Honor.

THE COURT: Do not argue the case. Please do not argue your case.

MR. LICHTER: I apologize, Your Honor.

THE COURT: All right.

BY MR. LICHTER:

Q Now, you told us that from Paredon Grande you went, where,where did you go from Paredon Grande?

A They moved us to Las Pinos at 1:00 in the afternoon.

Q The Island of the Pines?

A What do you mean the Isle of Pines.

Q Did you go to the Island of Pines?

A How could I go to Isla La Pinos if I am on, if I am on the north and that is on the south, possibly about 1200 miles away.

Q Did you go to a place called The Pines?

A The Pines.

Q Was it an island?

A No, no, it was a bay or a harbor. I can show it to you if you want.

Q Please, would you, with the red pencil, make a little circle where it is.

A This is Paredon Grande, no? And this, correction, when I say bay, I should have said cove, this little place which is here. We walked over the coast here and we got into this cove.

MR. LICHTER: Thank you, sir.

THE COURT: All right, ladies and gentlemen, we will send you back for a short recess.

Do not discuss this case.

(Thereupon, a brief recess was taken.)

THE COURT: All right, bring the jury in.

(Thereupon, the jury returned to the courtroom, after which the following proceedings took place:)

THE COURT: All right.

MR. LICHTER: May it please the Court.

BY MR. LICHTER:

Q Mr. Estevez, you have told us, have you not--

THE COURT: Wait just a minute, please, sir. Counsel, I am sorry if you think I am being overbearing, but we have translations and you start out a question, "you have told us, have you not," you understand.

Now, you have told us, have you not, that is, it really makes it more difficult.

MR. LICHTER: I understand.

THE COURT: I am not criticizing you for it, but I am just reminding you if you will just ask the question it would be helpful for the purposes of this translation.

As an example, some time back during the trial a question was asked that at a certain time you didn't know Jaime so-and-so, is that true, and the man's answer was, "no."

MR. SIBILA: Excuse me, there is no

interpreter here for the people, Your Honor.

THE COURT: So you see what I mean. What I mean by is that true, you do not know, you didn't know Mister so-and-so at the time and the answer is, "no," his answer really was, "Yes, I did know Mister so-and-so at that time."

Technically, it creates a problem.

MR. LICHTER: My question--

THE COURT: It creates an even more difficult situation when we translate.

All right.

If you fall back into it I will not think that you are being anything other than exercising your normal method, but while we do have the translation, if you think of it, it would be helpful to the question. Now, let's wait just a moment. Who are we looking for?

MR. MERVIS: If I may, I believe Mr. Anderson was asked to go up to Judge Davis' court.

THE COURT: All right.

Gentlemen, here is what we are going to do. The problem is that Luis, that as you say, if you begin to talk too loudly, Mrs. Featherstone cannot take it, the situation, so I will tell you what we do, gentlemen. We will have the questions and answers. Luis will translate, try to do it louder than he has been doing. We are asking the witness now to keep his voice up. Remember, Mr. Witness, that you are not just talking to an interpreter, translator, you are speaking to all of us in the room, so speak up, please.

You gentlemen representing the defendants recognize my problem with your defendants being able to hear the translation. Raise your hands when we have any difficulty and we will stop. All right. Don't panic, just say that they cannot hear.

THE INTERPRETER: I can use the other microphone, Judge, also which will go the headset.

THE COURT: Well, we will try it that way for a while and if you have any difficulty hearing, let me know. Okay? Counselor, go right ahead.

BY MR. LICHTER:

Q Mr. Estevez, did you travel from Paredon Grande to a place called Las Pinos?

A The name is not Los Pinos. I called it Las Pinos because that place has no name, because it has too many pine trees.

THE COURT: No, no.

THE WITNESS: It is a cove.

THE COURT: The translation may be technically correct. You all understand it has pine trees. It does not have a name because it has too many pine trees, I can tell you that, so, all right, go ahead.

BY MR. LICHTER:

Q Is that the place where you did all the paperwork?

A Where we did all the paperwork?

Q Were you presented with a bill of lading for the drugs and the ship at that place?

A Only the one for the boat.

Q Did you sign these papers?

A Yes.

Q Who else signed those papers?

A All the crew men.

Q Did David Perez sign those papers?

A Yes.

Q Now, that was for those papers--strike that.

Were those papers for the handover of the Quaaludes and the arms you brought?

A The weapons that I brought?

Q Yes.

Were they?

A I didn't bring any weapons.

Q Well, sir, I call your attention to page 17 of your, excuse me, may I have just one moment.

Page 18, do you recall starting on page 17 the following questions and answers, starting at page 17, line 22.

"Q Did you load the quaaludes from the CORAL or the VIVIANA onto your boat?

"A Since this is a secret thing for the Cuban marines, for the naval Cuban marines, this is a very secret thing. They took us out from Paredon to Las Pinos. There we did all paperwork. We made the signature of the handover of the quaaludes, also some arms that I brought."

Do you recall that testimony, sir?

A Not the weapons that I brought. We did the documents for the boat down there and we signed a document, on the document, excuse me, the weapon that Frank Bonilla took out to be given to Rene Baeza-Rodriguez.

Q Well, did David Perez sign a paper regarding the turnover of the quaaludes?

A We all signed that paper.

Q Do you remember what kind of a gun was given to Rene Baeza-Rodriguez?

A Yes.

Q What kind of gun was it, sir?

A Revolver called a .38 Special.

Q Now, you have been trained by the Cuban Government in such things as arms--strike that.

Have you been trained by the Cuban Government regarding things such as guns?

A Yes.

Q Would you, as a trained Communist spy know the difference between a .38 Special and a .357 Magnum?

A Yes.

Q Rene Baeza-Rodriquez was not given a 357 Magnum, was he?

THE INTERPRETER: Wasn't?

BY MR. LICHTER:

Q Was not given--strike that.

Was Rene Baeza-Rodriguez given a 357 Magnum?

A A .38 Special.

Q Now, you got, did you get, then, get on board the VIVIANA?

A Yes.

Q And were you then ordered to be the captain of the VIVIANA, and to go to Colombia?

A Yes.

Q Who told you that you were going to be the captain of the VIVIANA?

A David Perez.

Q Who told you you were going to have to go to Colombia on the VIVIANA?

A David Perez.

Q I refer your attention to Page 17, Grand Jury testimony of September 24th, Page 17, Line 8.

"Q Was the boat the VIVIANA turned over to you?

"A There, Rene Baeza informs me I would have to go to Colombia on the VIVIANA."

A He informs me, yes, but he didn't order me to go. You are asking me who ordered me. And there it says that he thinks that I am going to have to leave on the VIVIANA. It doesn't say there that Rene Baeza said, "You go to Colombia," no. It was David Perez.

Q But your Grand Jury testimony--never mind. Strike that.

You were now the captain of the CORAL, the VIVIANA, is that right?

A Yes.

Q And you were also captain of the LUCKY

LADY, weren't you, because they did not have a captain?

A. At that time Frank Bonilla remained there

Q. You weren't the captain of the CORAL and the VIVIANA, and the LAZY LADY at the same time?

A. Yes.

Q. You were?

A. Yes.

Q. How many boxes of Quaaludes were loaded onto the LAZY LADY?

A. Two hundred and seventy-eight boxes.

Q. Two hundred and seventy-eight.

Now, did you go to, where did you go. You load these 278 boxes onto the LAZY LADY.

A. At the tip of South Andros.

Q. To the south, the top of South Andros?

Where did you go in the LAZY LADY from there?

A. From there the LAZY LADY stayed anchored down there.

Q. Until then?

A. Until at least one week plus or two weeks.

Q. Did you ever get the engines fixed?

A. Yes.

Q. How did you fix the engines?

A Jorge Llerena came, came with a certain Ricardo and Frank Bonilla on a boat, they brought two batteries and they brought the starting motor.

Q And you put that starting motor onto the LAZY LADY and fixed the engines?

A Not me.

Q Who did, sir.

A Jorge Llerena.

Q Where did you go next in the LAZY LADY?

A We went to Cat Cay which is Riding Rock.

Q Now, you say that Cat Cay is the same as Riding Rock, sir?

A I have always called it Cat Cay.

Q But it is the same place as Riding Rock?

A Yes.

Q Now, you never really moved the LAZY LADY from South Andros, did you?

A I moved it from South Andros? I came here to tell the truth.

Q Well, I refer you to your Grand Jury testimony of April 24, 1982 starting at page 25, line 16, question by Mr. Gregorie.

"Q Mr. Esteves, did you at some time move the LAZY LADY?

"A From where?

"Q From where it was docked outside of South Andros.

The witness answers, "never."

"Q The boat remained there?

"A Yes."

A No, tell him no, that is a lie, and I can, I can show you where the boat is sunk. Now, at the same place where I left it.

THE COURT: All right, just a minute Counselor. Do you have something that you want to say, Mr. Gregorie?

MR. GREGORIE: I will save it for redirect, Your Honor.

THE COURT: All right.

BY MR. LICHTER:

Q While the LAZY LADY was in South Andros, did you go on to North Andros?

A Yes.

Q And how many days were you in North Andros?

A Two days.

Q How long, excuse me, did you go back to the LAZY LADY eventually?

A Yes.

Q How long did you then remain on board the

LAZY LADY?

A. One hour.

Q. Where did you go then?

A. Because where the boat that I went, it arrived broken, with it, and I returned with Frank Bonilla and with Tom to South Andros and that was where I was arrested with Frank Bonilla.

Q. What were you arrested for, sir?

A. For not having documents and at first they said that we were spies.

Q. Did you then go back to the LAZY LADY?

A. After we paid the police to be able to leave, yes, almost after five or six days that we were at the Las Palmas Hotel.

Q. The police kept you at the Las Palmas Hotel?

A. The next day, in the morning, yes.

Q. How much did you pay the police?

A. Two thousand to the police and two thousand to the immigration, not me, the Bahamian pay it.

Q. And which Bahamian, sir?

A. In the so-called Williams.

Q. The chief of the Mafia?

A. Yes.

Q After you left the Las Palmas Hotel, did you go back to the LAZY LADY?

A Yes.

Q How long were you on board the LAZY LADY this time?

A About four days, four or five days.

Q And from there you moved the LAZY LADY to Cat Cay?

A No.

Q What did you do?

A I stayed there and Frank Bonilla returned with Tom to North Andros.

Q And he stayed on board the LAZY LADY?

A Yes.

Q Where did you go next?

A Afterwards, when Jorge Llerena came, Ricardo came and Frank Bonilla came.

Q Would you answer my question?

Where did you go next?

A Afterwards when I stayed in the boat.

Q In the boat, you stayed at South Andros?

A Afterwards, when everybody came.

Q Where was the next place you went on the LAZY LADY.

A Oh, to Cat Cay.

Q Were you able to go there because you fixed the motors?

A Yes, one engine.

Q Only one engine?

A Yes, one engine, the right engine, because the one that was in that ship, they had brought the left parts and they were no good.

Q When you got to Cat Cay, sir, how many days did you remain there?

A Many days.

Q How many?

A Two weeks, more or less.

Q Would that be about somewhere between, were you there between 15 and 19 days?

A More or less, yes.

Q Now, while you were there for 15 to 19 days at Cat Cay, did the--

A I didn't say between 15 and 19. I said more or less, two weeks. It could be less, it could be more.

Q Did you testify on August 6, 1982 that you were there 19 days?

A Yes, more or less, but it is that I don't remember. You want something, something very complete, and I don't have a TV set in my head.

Q Well, do you remember these questions and answers on page 22, line 6.

"Q Did you go to Cat Cay eventually?

"A Yes.

"Q Did you unload the pills there?

"A We were there 19 days and no one came."

Does that refresh your memory, sir?

A Yes, that is right. I could have said that, yes. I said we were there.

Q Now, every day that you were there, all these 19 days, sir, every day the Coast Guard would come by morning and night, wouldn't they?

A They passed a great deal, yes. They passed by.

Q And on one of those days--strike that.

How long were you without food and water on board this boat, sir?

A A great deal of time.

Q Ten days?

A Possibly.

Q One morning did a helicopter come by real close to the boat and take photos for about ten minutes?

A It did not pass, it stayed on top of the boat almost for ten or 15 minutes.

Q Did the pilot get on the loud speaker and tell you to stop dumping those boxes?

A Nothing.

Q You never were told by the Coast Guard to stop dumping the boxes?

A That was the Bahamian airplane.

Q A Bahamian airplane came by and told you to stop dumping boxes?

A Yes. It started turning around because that was a single line, very long of boxes and tanks.

Q Did they get on a loud speaker and tell you to stop dumping the boxes?

A Yes.

Q Now, the day afterwards, after you threw these boxes over, did a boat come by named the K-D?

A Yes.

Q And was the captain of that boat Jose Martinez?

A Yes.

Q Now, he found--did he find you by luck because he didn't know how to go Guinchos Cay, he was lost, is that how he found you?

A He did, didn't know where Guinchos was, what he was, was waiting or lost, I don't know, he was about a quarter of a mile parked there, more or less, and about half an hour more or less he lifted anchors and he began getting closer to us.

Q Well, with a lot of luck he found you because he was lost and he didn't know how to go to Guinchos, isn't that true?

MR. GREGORIE: Objection, Your Honor, calls for a conclusion on the part of this witness.

THE COURT: Sustained.

BY MR. LICHTER:

Q You told us that the boat, K-D was being driven, piloted by Jose Martinez?

A Yes.

Q When the K-D got alongside the LAZY LADY, were you told by David Perez that you were now the captain of the K-D?

A The first thing that he did when the K-D got close to us was he get out of there, you get out of there because they are going to eat you, because everybody went to the refrigerator.

MR. LICHTER: Could the witness be instructed to answer my questions. All I want to know, was he told that he was now to be the captain of the K-D?

THE COURT: Mr. Witness, kindly listen to the question and answer the question. Ask it again, please.

BY MR. LICHTER:

Q Did David Perez inform you that you were to be in command of the K-D?

A He informed it to Jose Luis Martinez.

Q And so Jose Luis Martinez turned over command of the K-D to you?

A Both of us were there, yes.

Q You were the captain?

A Yes.

Q Now, did the K-D ever go to Cuba?

A No.

Q You did unload 11,000 pounds of marijuana into the K-D?

A Yes.

Q That was one night, wasn't it?

A Not one night.

Q How long did it take you to load the 11,000 pounds?

A Almost an hour,more or less.

Q Did you return the next night for another 11,000 pounds?

A No, about three nights later.

Q How much load would the K-D hold?

A How much load, from ten to 11,000 pounds.

Q Did you at one time put 18,000 pounds on the K-D?

A Never.

Q Well, I refer you, sir, to Page 25 of your Grand Jury testimony, starting on Page 24, Line 25, Grand jury testimony of August 6th.

"Q Was it unloaded there?

"A We unloaded, I believe, eighteen thousand, seventeen thousand which came to Miami that same night."

A Yes.

Q Would you explain that for, to us, how you loaded 18,000 on a boat that would only hold ten or 11,000?

A I brought the 11,000 pounds and it says there that it was loaded and it could not be on the boat, it could be on the vessels. I could never have said 17,000 because it is from ten to 11,000 what there is room in the boat for.

Q Was there another boat out there that night that supposedly--strike that.

Was there another boat out there, out

there that night helping you?

A. There were other vessels down there, yes.

Q. Down in Guinchos?

A. Yes.

Q. What other vessel, sir.

A. The one that belonged to the brother-in-law of Miguel, the Chinaman or El Chino.

Q. And what kind of a boat was that, sir?

A. A shrimper, it was, but a small one.

Q. Well, how much could be loaded on that boat?

A. About that, 18,000 or more.

Q. Well, sir, you took 11,000 pounds and--

A. I never.

Q. The brother of Miguel, El Chino could take 17 to 18,000.

Why did you have to return in three days?

A. For the other load.

Q. Well, I thought that you told us, excuse me.

How much, how much marijuana was on this boat, this trip.

A. That one, 23,000.

Q How many trips were there from Columbia, how many boats came, came up here from Columbia?

A With me it was three trips.

Q The first trip was the one you have told us about in Paredon Grande?

THE INTERPRETER: Excuse me, he just said pills while you were asking him.

BY MR. LICHTER:

Q The first trip was the pills?

A Yes.

Q The second trip was 23,000 pounds?

A Marijuana.

THE INTERPRETER: He is answering while you are asking, Counsel.

THE COURT: Mr. Witness, Mr. Witness, Mr. Witness. Please wait until the--do you want to translate?

THE INTERPETER: I did. I just did, Your Honor.

THE COURT: Please wait until the lawyer has finished the question then answer it, otherwise it is impossible to interpret for the jury.

THE WITNESS: Okay.

BY MR. LICHTER:

Q On the second trip you went to pick up

23,000 pounds of marijuana.

A. On the second trip I went to pick up whatever there was room for on the boat.

Q. Wasn't there 23,000 pounds of marijuana?

A. Yes, but I didn't load the 23,000.

Q. You loaded 11,000?

A. Eleven thousand.

Q. Was there another boat driven by Miguel's brother-in-law that was capable of loading 17, 18,000 pounds?

A. Yes.

Q. Was there another boat out there, too?

A. I did not see them. I knew that they were there.

Q. Right. From what kind of a boat did you receive this marijuana, this 11,000 pounds?

A. What? What? How was that?

Q. What kind of a boat did you meet on the second trip.

A. A lobster boat, no, a shrimper.

Q. How big was it, sir?

A. Quite big, about 86 foot.

Q. And what was the name of that boat, sir.

A. I don't know.

Q What kind of a flag was it flying?

A I didn't pay attention to it.

Q Did you make a subsequent trip, sir? To get drugs?

A I don't understand that question.

Q Was the first trip you made to get drugs, to pick up the pills?

A Yes.

Q Was the second trip that you made to go pick up 11,000 of the 23,000 pounds of marijuana?

A Yes.

Q Did you make a subsequent trip, a trip afterwards?

A Three days later, yes.

Q And did you meet the same ship?

A Not with the same one, another boat.

Q Wasn't this boat the shrimper, the boat that was hiding in Cuba at night and coming out in the day?

A All the boats, all the Colombian shrimp boats, all of them entered Cuba at night and then they would leave during the daytime.

Q When you went, after, after you unloaded the first 11,000 pounds, did you go back for another 11,000 pounds?

A Three days later I returned.

Q Was it the same boat from which you got the first 11,000 pounds?

A No.

Q Your Grand Jury testimony, I refer you, sir, to the Grand Jury testimony of April 24th, page 31 beginning at line 19.

First of all, where did you take that 11,000 pounds?

A I took them to Bimini, to South Bimini.

Q Okay. Starting on line 19, you are answering.

> "I load, then I load the 11,000 pounds and I come over to Bimini.
>
> "Q Now, sir, what happened to the rest of the marijuana that was waiting, if you loaded 11,000 pounds on the K-D?
>
> Did you go back for the rest of it?"
>
> And the interpreter says,
>
> "Let me ask hom to repeat, please."
>
> "A When I load the merchandise they go to Paredon Grande to protect themselves from the American Coast Guard. Then I tell them I will be back in two days.

Then two days later it comes out again.

"Q Where did you unload and did you then come back for a second load?

"A Uh-huh.

"Q Does that mean 'yes'?

"THE WITNESS: Yes."

A That is true.

Q Okay. Now, when you went back for your second 11,000 pounds, was this the same boat that you told you would be back in two days?

A No. The captain, yes.

Q Well, would you describe this boat for me, please?

MR. GREGORIE: Objection, Your Honor. Which boat.

BY MR. LICHTER:

Q Would you describe this new boat, the last boat that you have--

A A shrimper, white, dirty, the bridge on top at the stern, the stairs were made of iron, very old. That is the boat.

Q What is the name of the boat, sir?

A I did not pay attention to the name of the boat and if I did I don't remember.

Q What kind of flag was it flying?

A. I don't remember.

THE COURT: All right, Counselor, excuse me, just a minute. Ladies and gentlemen, you can step out just for a minute, please.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: Does the Government have a--

MR. GREGORIE: I believe the door is still open.

THE COURT: I know it is open. I know that. I am not going to say a thing in the world that you cannot hear. Do you have a witness whose name you have that appears here, that appears on this paper, that is your precise number of witnesses?

MR. GREGORIE: Yes, Your Honor, I believe that we certainly won't have any more. We may not have that.

THE COURT: Do you have any other, though, that would be considered long witnesses like the two that we have?

MR. GREGORIE: No, Your Honor.

THE COURT: What you are telling me is that when this gentleman's testimony is finished you have another day or two to present the Government's case?

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[Thereupon, the following proceedings commenced outside the presence of the jury:]

THE COURT: All right. Are we ready to proceed with the cross?

MR. LICHTER: Yes, Your Honor.

THE COURT: Bring them in, please, sir.

[Thereupon, the jury entered the courtroom and, pursuant to the witness MARIO ESTEVEZ resuming the witness stand, the following proceedings were resumed:]

THE COURT: Good morning. All right, have a seat, and you can proceed, counselor.

MR. LICHTER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. LICHTER:

Q After you finished the last drug pickup, did you then go to Miami?

A When I finish?

Q Yes, sir.

A I went to Bimini.

Q And, from Bimini, did you later go to Miami?

A Yes.

Q And, while in Miami, was there a meeting at an apartment owned by someone named Miguel?

A Yes.

Q At that time were you kidnapped and taken to Miguel's house, Miguel's apartment?

A Not at that time.

Q When you arrived at Miguel's apartment, were you permitted to leave?

A No.

Q And, was David Perez present at that apartment?

A Yes.

Q Did he have a gun?

A Everyone had weapons.

Q Except you, of course?

A I didn't have a weapon.

Q How many days were you kept prisoner at Miguel's apartment?

A Approximately seven or eight persons.

Q No, how many days were you kept prisoner at Miguel's apartment?

A Two and a half days or three days.

Q It would not have been more like nine days?

A Nine days? No.

Q All right, sir. I draw your attention to your grand jury testimony of August 6th, 1982, Page 28, beginning at Line 4:

"Q What happened?

"A I was kidnapped and being that I had been charged with the fault, the blame of having thrown them over, I was kidnapped and kept in El Chino's house for nine days."

Do you recall making that statement, sir?

A I don't recall.

Q When you testified before the grand jury, did you swear to give truthful testimony?

A Yes.

Q Thereafter, starting at Line 11:

"Q Did you meet with somebody there after nine days?

"A Nine days later, Jaime Guillot-Lara came."

A Three days later Jaime Guillot-Lara came.

Q So, your grand jury testimony would be incorrect?

A Tell him, sure.

Q Were you ever provided with a copy of your grand jury testimony for you to review?

A Never.

Q Never had a chance to see it?

A No.

Q Now, you, what is, was Jose Luis Martinez present at Miguel's house?

A He took me.

Q He took you there?

A Yes, but he later left.

Q Did you mention that to the grand jury?

A I don't remember.

Q Would it surprise you to learn that you did not?

A I don't understand that word.

Q Which word?

A The ones you said now.

Q Would it--

THE COURT: He doesn't understand the word, he couldn't tell you which word, could he, counselor?

BY MR. LICHTER:

Q Well, you agreed to testify openly, truthfully and completely to the grand jury, didn't you, sir?

A Yes.

Q Okay. But, you didn't tell the grand jury that Jose Martinez took you to Miguel's house, did

you?

A. I was in the house of Jose Luis Martinez.

Q. No, my question is, did you tell the grand jury that Jose Luis Martinez took you to Miguel's house?

A. I don't remember.

Q. This matter of the pills being thrown over was straightened out when you agreed to have part of your money deducted to pay for those pills; is that what happened?

A. Yes.

Q. Then it was all corrected after you agreed to deduct some money from your share?

A. Yes.

Q. Now, to your knowledge, sir, did David Perez pay for the drugs that he received?

A. I didn't understand that.

Q. Had David--excuse me, David Perez got arrested; didn't he?

A. Yes.

Q. When David Perez got arrested, had he paid anyone for the drugs?

A. No one.

Q. Was everyone waiting for him to get out of jail to try and get their money?

A. Yes.

Q. Now, while David was in jail or before he went to jail, was he starting to sell off his property?

A. Yes.

Q. What kind of property was he selling that you know of?

A. A house.

Q. A house. Was there an apartment that he was selling also?

A. Yes, his house is next to Jorge, Jorge Llerena.

Q. My question is, did he--

MR. SIBILA: I move to strike that. It was not responsive to the question.

THE COURT: Denied.

BY MR. LICHTER:

Q. Was--to your knowledge, was he selling off a new apartment?

A. Yes.

Q. Okay. Now, are you aware of any other properties that David Perez owned?

A. No.

Q. Did David Perez receive any money from his drug dealings?

THE INTERPRETER: Any money from--

BY MR. LICHTER:

Q His drug dealings.

A. Of which drugs?

Q Of the ones that he was involved in that you know about.

A. I don't understand your question.

Q Are you aware of David Perez receiving any money from drugs?

A. Yes.

Q What was he doing with his money?

A. I don't know.

Q Do you have any idea how much money he made?

A. Surely, a lot.

Q How much money did you make?

A. With David Perez? Very little.

Q In all of your drug dealings, haven't you made more than three and a half million dollars?

A. That is the money of Cuba. That is not mine.

Q You took it to Cuba?

A. This doesn't come in this case, doesn't come to this case.

Q Well, didn't you take three and a half million dollars to Cuba?

A. Yes.

Q. And, of the three and a half million, did you not testify that two and a quarter million of it is your personal money?

A. But that was when everything about the sale of the cocaine ended and that started in January, 26th.

Q. But the answer is, yes, you had two and a quarter million personal money?

A. Yes.

Q. So, okay.

A. Yes.

THE COURT: Mr. Witness, wait now till the answer and the translation has been completed, please, before you answer.

BY MR. LICHTER:

Q. When you appeared before the grand jury, Mr. Estevez, did you name all of the people that were involved in the dealings in this case that you could remember?

A. Yes.

Q. You did not name Jose Luis Martinez, did you, sir?

MR. GREGORIE: Objection, Your Honor. What--which grand jury is he referring to?

BY MR. LICHTER:

Q Page 29, grand jury testimony of August 6th, 1982.

THE COURT: Ask the question again, please, sir.

BY MR. LICHTER:

Q When you were telling the grand jury of all the people that were involved in drug dealings in this case, did you mention Jose Luis Martinez?

A Sure.

Q All right, sir. I refer you to Page 29 of your grand jury testimony; it is starting at Line 8 where you say:

> "If you want, I can give you a run-down of all the personnel and what their responsibilities are."

Sir, why don't you just read that, starting at page, Line 8, starting right there and see if that refreshes your memory.

MR. GREGORIE: Wait. I object unless he is going to show him all his grand jury testimony. The question was, did he mention Jose Luis Martinez in his grand jury testimony.

THE COURT: Counselor, let me explain something to you again.

He has a right to ask any questions that he wishes to ask and you have a right on redirect to make further inquiry into it, you see. But, right now he does not have to read him all of it. If he wants to, he can show it to him and here is what I want you to do.

You just simply tell the interpreter what it is that you wish the interpreter to read to this witness. Then you wish to ask him questions, as I understand it, correct?

MR. LICHTER: Yes, sir.

THE COURT: All right. Hand it over.

MR. LICHTER: Could you just read, please, starting at Line 8, going on to Page 30? Starting at Line 8 and complete that answer that he gives right there.

[Interpreter complies]

MR. NEGRETTI: I would like that to be read in English to the jury that does not understand Spanish.

THE COURT: Just a minute, please, counselor.

Read the question, now, yourself, in English and ask whatever questions you wich to ask.

MR. LICHTER: That is good.

THE INTERPRETER: I ended up there (indicating).

BY MR. LICHTER:

Q All right. In English, sir, starting at Line 8.

"A Jaime Guillot-Lara was the owner of all the drugs. If you want, I can give to you a run-down of all the personnel, what their responsibilities were.

"Q Please.

"A Look, Jaime Guillot-Lara is the complete owner of the drugs.

"The Frenchman, D. Clemente, was Guillot-Lara's partner in the pills.

"Julio was there and Ricardo who were Jaime Guillot's killers and David Perez was there who was, who received all the pills and the drugs from Guillot here. He was the one in charge of selling it all.

"Alberto Cortez was there, who was the one who sold the marijuana and the crew with myself as captain, Frank Bonilla as the owner of the boat, Pepe, Guido was there as seaman, plus also the Cuban, El Chino was the one in charge of the speedboats."

THE INTERPRETER: That is as far as I went.

MR. LICHTER: Okay.

THE COURT: Now, ask your question.

BY MR. LICHTER:

Q You didn't, did you mention Jose Luis Martinez as being a member of this conspiracy, sir?

A No, I couldn't mention him in there.

Q The reason that you are cooperating and testifying in this particular case is, what is the reason, sir?

What is the reason you are testifying in this particular case and cooperating with the government?

A One of the things that I noticed was the harm that I was doing to this country and every man in life has the right to think it over, no? And, the best thing that I did was to speak.

Q Well, is that you would like to do something for this country?

A Surely.

Q For the people that put you in jail?

A Surely.

Q And you do not expect any favors from the government as the result of your testimony, do you?

A I don't, wait. I--excuse me, I don't expect anything.

Q So you are doing this all as a favor to the United States, to the people of the United States?

A Yes.

Q And, is that because, sir, you decided to cooperate, not to help yourself, you didn't want to help yourself, did you?

A No, that is said down there in the documents.

Q But--

A While I was in jail.

Q Well, when you were in jail you decided that for once you wanted to be on the side of justice, didn't you?

A Surely.

Q What is the reason that you stopped trafficking in drugs?

A What is the reason in, when I gave my last trip, I met with Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and I was deep inside myself I was sort of afraid of telling this to the American authorities, when I was caught in Jamaica. At the moment I arrived here I said that I didn't want anything more myself, freedom or anything, that what I wanted was to talk about what I had done, but that I was going to do something good for, for this people, that I have brought to this peoples so many drugs.

Q Didn't you stop trafficking in drugs, sir, because you got arrested and were placed in jail?

A. Yes.

Q How long--excuse me, were you in jail about a month before you first contacted the American authorities to try and cooperate?

A. It was about one month when I made contact with, not with them, but it was with DEA. I gave them that information but they didn't tell me anything, after seven months, more or less, they went to see me down there.

First thing they told me was that they could not assure me anything about freedom or anything, that perhaps I could serve five years, perhaps I could serve four years, but that they would not guarantee it to me.

And I said, "Well, that doesn't matter.

> I want to cooperate or collaborate with the government."

Q And, actually you ended up serving approximately nine months?

A. I did not expect that.

Q Where are you, presently in jail?

A No.

Q I want to go back one moment to the LAZY LADY, okay?

While you were on the Lazy Lady, did you have guns on board?

A Yes.

Q What kinds of guns?

A Two machine guns, a shot gun, and two pistols. Those were thrown into the water, then, when the boat was prepared and we departed for Cat Cay, they brought us a machine gun, a shot gun and a Colt .38, I think.

Q Who was it that brought you all these guns?

A Tom.

Q How much money did David Perez give you for the work that you did?

A In total he didn't pay me some money that I lent it to him, but between marijuana that he gave me, I think that it didn't get even to $15,000.

Q But he did pay you some marijuana?

A Yes.

Q And you sold that marijuana?

A I gave it to Guido and I never saw him again.

Q Did you ever see anyone else get paid by David Perez?

A I didn't understand your question.

Q Did you ever see David Perez pay anyone else money for their work, or marijuana?

A Seeing it, I didn't, but I know who he paid to.

Q So you never saw David Perez pay anyone?

A No.

Q Would you describe your relationship with Jose Luis Martinez as being friendly?

A At that time?

Q Yes.

A Yes, yes, of course.

Q Did you spend any time at his house?

A Almost about four or five days, yes.

Q He knew you came from Cuba in the Mariel, didn't he?

A He did not know it.

Q Okay. Did he, you and he discuss-- strike that.

Did he tell you about his life in Cuba before he came?

A Yes.

Q Did he tell you that he had spent time in jail?

MR. GREGORIE: Objection, Your Honor.

THE COURT: State it.

MR. GREGORIE: Hearsay.

MR. LICHTER: Your Honor--

THE COURT: Not, not under the circumstances. The answer has been overruled. You can answer that.

BY MR. LICHTER:

Q Has he told you he spent time in jail in Cuba?

A Yes.

Q Did he tell you it was for political crimes?

MR. GREGORIE: Objection, Your Honor.

THE COURT: All right. Step up to the bench, counsel.

[Thereupon, the following sidebar conference took place outside the hearing of the jury:]

THE COURT: To be sure I am on the right track, what name are you mentioning?

MR. LICHTER: I am only talking about my

client, Jose Luis Martinez.

THE COURT: Okay. Just a minute, counselor, I am going to tell when to argue, please. You are now attempting to establish what? That your client spent some time in Cuba for political reasons?

MR. LICHTER: That he told this man that he did.

THE COURT: Tell me what bearing that has upon this man's state of mind or what he views.

MR. LICHTER: On this man's state of mind?

THE COURT: Why wouldn't it be admissible as to somebody told him he spent some time in prison in Cuba? Why wouldn't it be hearsay?

MR. LICHTER: Well, it would be admissible as a statement of a co-conspirator.

THE COURT: Oh, fine. You did not plead guilty. I thought you took the position they weren't co-conspirators.

MR. LICHTER: Well, once it is established, once the government, oh, it is my understanding, whether he pled guilty or not guilty, that his statements are going to be admissible.

THE COURT: You then are laying a predicate to show an agency relationship did, in fact, exist between your client and this man in a criminal purpose?

MR. LICHTER: I am not laying this predicate but that predicate exists, that is why, Judge, I can get the statements in, but I am not trying to establish it.

THE COURT: All right. You say there is such a predicate. Now, tell me how that would be in furtherance of any conspiracy.

MR. LICHTER: It wouldn't.

THE COURT: Okay.

[Thereupon, the sidebar conference was concluded, after which the following proceedings resumed in open court:]

THE COURT: Sustained. You can ask the next question, please.

MR. LICHTER: Your Honor, at this time I am planning to go into an area where I said I would alert the Court.

THE COURT: All right. Ladies and gentlemen, you can have a little recess now.

Do not discuss this case among yourselves.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

* * * * * * *

this man some questions while he is here which it does not mean that the government gets to present no evidence on the motion, obviously, but if you wish to and he says he may find out when the man answers the questions, he doesn't have a motion.

MR. GREGORIE: Fine, Your Honor.

THE COURT: Fine. We will let him ask the questions.

Who is going to get Mr. Estevez for us.

[Thereupon, the witness MARIO ESTEVEZ resumed the witness stand and testified further outside the presence of the jury, as follows:]

THE COURT: All right. Go ahead, sir.

BY MR. LICHTER:

Q To your knowledge was David Perez engaging in drug trafficking up until the day he even went into jail?

A Yes.

Q Were Cornelio Viadades Ramos, Manuel Carrero, Jose Valdes Martinez, Leandro Mentado and Llerena Niseo Santaya workers for David Perez?

Did you get those names?

A I don't know them by name.

Q Did you know Cornelio Viadades Ramos?

A. That name is familiar to me, but I don't remember.

Q. Did you know El Cori?

A. Yes.

Q. Okay. Did you know Jose Luis Martinez?

A. Yes.

Q. Did these people work for David Perez?

A. Yes.

Q. Are you familiar with the boat by the name of La Canta Lita?

A. No.

Q. Are you aware--strike that.

Was, did David Perez send a, receive--strike that.

Was a load of marijuana sent from Colombia to David Perez at the end of January, 1981?

A. I think so. Jose Luis told me.

Q. And who, what, do you know who the owner of those drugs were?

Who sent the drugs?

MR. GREGORIE: Objection in that it would be hearsay, Your Honor.

THE COURT: He can answer the question.

THE WITNESS: No, whatever they told me, yes, Jose Luis Martinez showed me some pills because I was not working with David then, and he had about

800,000 pills left and told me that they belonged to Clemente, the Frenchman.

BY MR. LICHTER:

Q And, did he tell you that the marijuana belonged to Mr. Clemente, the Frenchman, also?

A No. I think it was David Perez'.

Q And did it, in fact, come from Colombia, the marijuana?

A That I can not tell you, that Jose Luis did no t tell me.

Q Did he tell you or do you have any information that the marijuana was sent by Jaime Guillot, Jaime Guillot?

A I can not say.

Q And, just one moment, Your Honor.

Do you recall testifying before the Grand Jury about a boat that was shot up by the Coast Guard?

A Yes.

Q Okay. Tell me what you know about that boat.

Whose boat was it?

A I don't know, but this story was told to me by Jose Luis, what I saw was some--something quite strange in that case.

Q What was strange?

A. That El Cori and the other crew men served in jail, but he did not.

Q. Who paid the bond for the people that went to jail? Do you know?

A. Of those who went to jail, no one paid for anything inclusively, El Cori told me when he was here in Miami, that he went to Jose Luis' house, and they were preparing a trip and then it was when this trip finally came, which was when--which was when they started shooting at the Coast Guard.

Q. Are you aware of anyone else that Jose Luis Martinez may have worked for besides David Perez?

A. Who Jose Luis Martinez, had several companions or partners from Colombia. He used to work with anyone, I think.

Q. If I may have just one moment, I think I'm just about done.

I have nothing further, Your Honor. Thank you.

All right. What is next?

MR. LICHTER: Well, Your Honor, I believe at this point I am done with my cross examination.

THE COURT: All right. Who is going to cross next?

MR. LAZARUS: Still on the indictment,

Your Honor?

THE COURT: Just take a moment, then, and talk among yourselves and give me an idea, just a rough idea of how much time we are looking towards for further cross examination and I am not trying to eliminate anybody. I am just making my plans for my duty judge assignments and my administrative assignments and everything else.

We are talking about a full day or another two hours, or what are we talking about?

MR. SANFORD: Judge, the gentlemen did chat earlier and I would make it that it would probably be less than two hours total remaining.

THE COURT: We will take a little recess and I am not holding anybody to that. We will take a little short recess while the jury is out.

[Thereupon, a brief recess was taken, after which the following proceedings were had:]

THE COURT: All right. Now, who is going to be next?

MR. NEGRETTI: I will be, Your Honor.

THE COURT: Bring the jury in, please, sir.

MR. NEGRETTI: But, I think the attorney

decided to pose something to the Court, first.

THE COURT: I beg your pardon?

MR. NEGRETTI: I believe--wait a minute, Mr. Marshal.

THE COURT: They have something they have to tell me.

Tell the jury to wait just a minute.

MR. LAZARUS: The other matter we want to get into at some point at Your Honor's pleasure, whether you want to do it now or at some other time.

THE COURT: Some other time. Bring them in, please, sir.

[Thereupon, the jury returned to the courtroom, after which the following proceedings were had:]

THE COURT: All right. You can proceed, sir.

BY MR. NEGRETTI:

Q Sir, are you a Son of the Revolution?

A Yes.

Q What does that mean, sir?

A That I was brought up by the Revolution.

Q You were then brought up as a Communist, Marxist, Leninist, is that correct?

A Marxist, Leninista, yes.

Q Now, you went to school and you were taught the Communist dialectic, is that correct?

A To all Cubans.

Q Right. Now, sir, it is part of that Communist dialectic training, when you are interrogated to either answer, "I do not understand," it is not my thought but somebody else's or answer the question by providing tangent information or supplying a different answer, is that the Communist dialectic?

A That is not so.

Q What is the dialectic?

What is the Communist dialectic regarding interrogation, and you were brought up on this, I understand, from your answers.

A The Communists are brought up because they weaken their minds, no? I have never, I had never been in a court, and this is the first court that I have been since I was in the United States, and what they teach me is to love the Revolution.

Q In other words, you have answered my question with a tangent not related to the question I asked you, is that correct, sir?

MR. GREGORIE: Objection, Your Honor, to tangent.

THE COURT: That is something that you

* * * * * * *

THE COURT: No, he has not.

Would you go ahead, please?

MR. NEGRETTI: Go ahead.

THE INTERPRETER: I think it was two pistols.

BY MR. NEGRETTI:

Q Okay. Now, is it or is it not a fact that David Perez had a Magnum in his hand and you had a machine gun in your hand and in a loud voice leveling the machine gun at Hector Gonzalez and the rest of the people on board that boat you said, "We are now going to Cuba or I will blow your heads off"?

A That is completely a lie.

Q You say the fact that you threw the guns overboard?

A They threw them.

MR. NEGRETTI: I see. Nothing further from this witness, Your Honor.

THE COURT: Who is next, gentlemen. Whoever is next in the order of the defendants on the indictment, may cross examine if he wishes.

MR. TOZO: One question, Judge.

BY MR. TOZO:

Q Mr. Estevez, when you met Hector Gonzalez in Bimini, was he alone?

A. At first, no.

Q. Did you see some lady on the boat?

A. Yes, two women.

MR. TOZO: No other questions.

THE COURT: All right, who is next, gentlemen?

BY MR. SIBILA:

Q. When you came to the United States by Mariel, were you inspected by American officials?

A. Yes.

Q. Did they ask you whether you had any connections with the Cuban government?

A. Yes.

Q. Did you lie to them at that time?

A. Sure.

Q. What was part of your training when you were becoming a spy?

A. Training, about boat matters.

Q. And that included like spotting a vessel and estimating the length of the vessel?

A. Yes.

Q. How long was the LAZY LADY?

A. (In English) forty-eight.

Q. Forty-eight?

A. (Through the interpreter) Twelve or fourteen foot long.

Q I am sorry, was that forty-eight feet in length?

A Forty-eight feet.

Q Is ten feet a large distance from one vessel to the other?

A What do you mean, ten feet? I don't understand your question.

Q When you are talking about, is it not a fact that when you were talking about a vessel that, who is forty-eight feet long?

A Yes.

Q And you have one that is thirty-eight feet long, there is a big difference?

A Very little.

Q Isn't it true there is a difference, not only in the ten feet in length, but also in the width?

A It could be a boat which is wide or a boat which is not wide. We could mention as an instance a yacht.

Q Why don't you--

A And we could--

Q Instead of mentioning a yacht, why don't you tell me about the LAZY LADY?

THE COURT: What do you want him to tell

you about it?

BY MR. SIBILA:

Q Are you sure it was forty-eight feet?

A Yes, of course.

Q As part of your training, did you receive training alone or with others?

A With several persons, yes, but we did not know what the mission was. We were only being trained. Nobody knew what the mission was.

Q Isn't it, don't you have a general mission?

A When you enter the final stage, you have a deputy for the group that is, that you by yourself is when you are going to be trained.

Q Did you learn any English in Cuba?

A Nothing.

Q Did you know that in the United States you spoke English.

A And Spanish, too, yes.

Q Wasn't your mission to disturb and create problems in the United States government?

A To disturb Alpha 66 which all of them are literally Spaniards.

Q When did you start disturbing the Alpha 66, when you were bringing in drugs?

A. When I was bringing in the drugs, I was not already at the Alpha.

Q. You were in another mission?

A. Yes.

Q. And that was to bring drugs into the United States?

A. Yes.

Q. And that was to effect the well-being of the United States people?

A. Yes.

Q. Were you trained in interrogation techniques?

A. A little bit.

Q. Were you told that everybody has a breaking point?

A. Of course.

Q. Do you know what your breaking point is?

A. I don't know, somewhat altered perhaps.

Q. Is your breaking point your fear of going to jail?

A. I am not afraid of jail.

Q. Is your breaking point your fear for your family in Cuba?

A. No.

Q. Have you, being a spy with all this

training, did the DEA find your breaking point?

A. I don't understand that word.

Q. Is it not true that a breaking point is where you, sir, come to resistance, any resistance you may have and you start to cooperate?

A. I don't understand that.

Q. Were you told that if you were caught, what you were to do?

A. Nothing.

Q. So you are not supposed to be giving out information or testifying in court today?

A. My country never expected that of me.

Q. So why are you doing it, again?

A. Because I am seeing that my government is wrong in reference to human society.

Q. And how long did you live in Cuba before you came to the United States?

A. All my life.

Q. How many years?

A. I have lived my thirty years.

Q. Did he say he lived?

A. Correction, my thirty years.

Q. Do you believe in God?

A. Completely, yes.

Q. Did the Cuban people or the Cuban officials know that you believed in God?

A. No.

Q. You mean they never asked you?

A. If they asked me?

Q. Yes.

A. If, I don't remember, but if they asked me, may God forgive me because I had to deny him.

Q. So they could have asked you and you, asked you whether you believe in God in Cuba and you would have said, "No, I don't," is that what you are saying?

A. I passed a school of science and religion

Q. Would you answer my question?

A. That I don't understand it.

Q. My question was, whether you had been asked in Cuba whether you believe in God or not and you told them, "No"?

A. I don't recall, if--that they asked me that question, but if they did ask me, I had to say, "No."

Q. So you could have lied to the Cuban government?

A. I could lie to them, but I never did.

Q. But you lied to the United States government, did you not?

A Yes.

Q And you also lied to the people on the LAZY LADY, did you not?

A What do you mean, lie?

Q You broke the engine?

A I don't understand.

Q Did you break the engine on the LAZY LADY?

A Yes.

Q Did you tell them that the engine, that you broke the engine?

A I did not tell them anything. They did not ask me anything.

Q If they would have asked you, what would you have told them?

A Clearly, no, I would lie to them, also.

Q What kind of a gentleman is, in your opinion, David Perez?

MR. GREGORIE: Objection, Your Honor.

THE COURT: What kind of a gentleman, in his opinion is who?

MR. SIBILA: Mr. Perez.

THE COURT: What kind of a gentleman is Mr. Perez?

MR. SIBILA: I will be more specific.

I will withdraw that.

THE COURT: All right. I hope so. A Latin gentleman.

MR. SIBILA: Yes, sir.

THE COURT: And tall.

MR. SIBILA: Yes.

THE COURT: And youngish. I mean, you know, you are going to have to ask the man a question.

BY MR. SIBILA:

Q Do you think that Mr. Perez, if put in a situation like you, would also lie?

A I don't understand.

Q If Mr. Perez had broken the engine on the LAZY LADY like you did, would he have told the crew that he had broken the engine?

MR. GREGORIE: Objection, Your Honor.

THE COURT: Calls for a conclusion of the witness, Counselor. Sustained.

BY MR. SIBILA:

Q When you were kidnaped by David Perez, were you in fear of your life?

A I have never been afraid for my life.

Q But you thought that--did the thought come to your mind that he had the ability to kill you?

MR. GREGORIE: Objection, Your Honor.

THE COURT: You asked him whether that thought came to his mind?

MR. SIBILA: Yes, sir.

THE COURT: You may answer.

THE WITNESS: I never thought that he was going to kill me. They were saying that they had to kill someone.

BY MR. SIBILA:

Q Was Mr. Perez one of the gentlemen that was saying that?

A Yes.

Q Why don't you tell-why don't you tell me and more specifically how upset was Mr. Perez when he couldn't find the vessel he was looking for.

A I don't understand your question.

Q Do you remember stating to the jury a couple of days ago, that Mr. Perez was very upset when he couldn't get Mr. Jaime Guillot-Lara on the radio?

A Yes.

Q How did he act?

A But not angry with the people. He was angry due to the interference of the stations.

Q Well, how angry was he?

How could you tell he was angry?

MR. GREGORIE: Objection, Your Honor.

THE COURT: How could you tell if he is angry is a proper question.

THE WITNESS: What was it?

BY MR. SIBILA:

Q How could you tell Mr. Perez was angry?

A By seeing him yelling.

Q Was he yelling when you were kidnapped?

A He didn't speak too much when I was kidnapped, but he was angry.

Q Now, you tell me how the Bahamian aircraft--strike that.

What kind of an aircraft was the Bahamian aircraft that told you to stop throwing the boxes overboard?

A A light, small plane from the Nassau police.

Q How did you know what they were saying?

A Because Jorge, or Jorge Llerena told me and at that moment, Jorge said, "Let's go. Let's throw them out faster." And a certain Ricardo, because there were two Richardos, broke them over here because of that speed.

Q Why didn't you tell me about this powder that was all over your body?

A That is the pill for the powder, from the pills, the wooden, I mean, the carton boxes, the cartons are there with a screwdriver, we cut them.

Q How many screwdrivers were--

A The cardboard--

MR. GREGORIE: Your Honor.

THE WITNESS: Two or three. We were dumping it like crazy, all of us, by overboard, by the windows, by the stern, we dumped a box at first, but it didn't sink. It kept floating.

BY MR. SIBILA:

Q All right. Where were these boxes located, on the outside of the vessel or inside of the vessel?

A Inside.

Q All right. And what--

A And down by the stern.

Q And how many boxes were there?

A Two hundred and seventy-eight.

Q And how much space did they occupy?

A A great deal of space, yes, all the, all the bow, full, the galley was full, the galley was full and at the cabin, they were--they had been turned into beds for us to sleep at the stern.

Q Just tell me what space--

MR. GREGORIE: Let the witness finish the answer.

THE WITNESS: On at the stern, the small tanks were red, yellow, blue.

BY MR. SIBILA:

Q If you were to stack them up,. how big was it?

A Stacking them up?

Q Yes, was it ten feet, about five feet?

A Let's suppose this was the ship, no? All the bow-full of it, the galley full, it could be that somewhat larger than that jury stand, the boxes are this size, the fifty thousand one, the twenty-five thousand ones were coming in the small tanks.

Q Were there any visible boxes on the ship?

From an aircraft that would be seen?

A Yes, of course, because all of them were, because when the boat departed, all of--all of the bottom wall where, that had the door and everything, that was completely destroyed due to their rough weather in South Andros and one could see it through the glass, one could see it by the rear, it could be seen all over.

Q Did the Coast Guard helicopter that was taking pictures, took pictures of the vessel before or after the Bahamian aircraft came by?

A Before, inclusively.

MR. SIBILA: Your Honor, I think he answered the question, I move to strike anything else that he said.

THE COURT: Did you complete the statement?

MR. SIBILA: I think the question was--

THE WITNESS: No.

MR. SIBILA: Whether the helicopter took pictures before or after and he answered.

THE COURT: That was the question, but he needs to interpret whatever the man said here.

Do you recall?

THE INTERPRETER: Yes, inclusively, Frank Bonilla had two boxes within the walls.

THE COURT: This is not responsive to the question at all.

MR. NEGRETTI: Object and move that be striken.

THE COURT: All right. It is not responsive. It is not to be considered as evidence in the case, ladies and gentlemen.

Would you please just answer the questions that are asked you, Mr. Estevez?

THE WITNESS: I am sorry.

BY MR. SIBILA:

Q Where did you receive your training regarding quaalude pills?

A In Cuba.

Q Did you not mention yesterday that the only training you received was marijuana and Cocaine?

A I said they did not ask me, I said that I took marijuana, Cocaine and I took the pill and I can tell you about all types of pills.

Q Did you have the opportunity to take a chemistry sample of these alleged pills that you are talking about?

A Take one?

Q Yes.

A Never, to take myself or to take a chemist.

Q That is all--Your Honor--yes, did you take a chemistry test of any of those pills?

THE INTERPRETER: What else?

BY MR. SIBILA:

Q Of these pills?

A That if I took it?

Q Yes.

A Pills that we were bringing in?

Q Yes.

A I didn't make any tests, but the one who took them, who ingested them really said that they were very good, and when I dumped them, I was completely dizzy from the powder that I breathed. I went from bow to stern, how could I say, in four legs.

Q You don't know whether they were quinine pills, do you?

A. I knew that they were quaaludes because they said quaaludes, 714, that is quaaludes.

Q It didn't say anything on the box?

A. On the pills, inclusively, they are the best ones that I have seen.

Q But you didn't do a chemistry test to them, did you, sir?

A. Chemical tests?

Q Analysis, chemical analysis?

A. Analysis? I didn't do a chemical analysis, no.

Q But in your mind you are certain that these were quaalude pills?

A. Completely sure.

Q Just as sure as you are that the LAZY LADY is forty-eight feet, is that correct?

A. I am sure that it is forty-eight foot. It could be forty-four, but, what I am really sure is that I can take you to the place it is.

MR. SIBILA: Thank you.

BY MR. LAZARUS:

Q Mr. Estevez, good afternoon. My name is John Lazarus.

Now, Mr. Estevez, when you started speaking with the government, you didn't know that that was going to lead to your release, did you?

A Yes.

Q Yes, you did not know or yes, you did know?

A I didn't know or I didn't know what.

Q That your speaking with the government would lead to your release.

A I didn't know it.

Q But, in fact, it did lead to your release, didn't it?

MR. GREGORIE: Objection, Your Honor.

THE COURT: Would you like to tell me what you are objecting to, what your law is?

MR. GREGORIE: Calls for a conclusion on the part of this witness, Your Honor.

THE COURT: It does. Sustained.

BY MR. LAZARUS:

Q In fact, you were released, weren't you, after nine months, isn't that correct?

A Yes, yes, but by a judge.

Q Okay. And, you knew in speaking to the government, that you were going to, in effect, end up on the government payroll?

A I didn't know it.

Q But, in effect, you have been and are receiving money from the government, isn't that correct?

A Yes.

Q And on July 29th, 1982, did you receive $490 or was that money expended on your behalf?

THE INTERPRETER: That money was what, Counselor?

BY MR. LAZARUS:

Q Was that money spent on your behalf?

A I don't understand.

Q On July 29th, 1982, did either you receive or did the government expend for you, or on you, $490?

A $958? No.

Q No. $490.

A What date did you say?

Q July 29th, 1982.

A In July?

Q Yes, sir.

A For interrogation to pay for the apartment

Q It says here, information and expenses.

Does that refresh your recollection?

A. Information and expenses?

Q Does that refresh your recollection?

A. Of what?

Q Of the $490 that was spent on your-- on your behalf on July 29th, 1982.

A. $490?

Q Who's on first?

Strike that.

On August 24, 1982, was $300 spent on you for information and expenses?

A. I don't know.

Q Okay. On August 18, 1982, was $800 spent on you or on your information and expenses?

Do not look over here. Look at me, please.

MR. GREGORIE: Objection, Your Honor.

THE WITNESS: No, no, no, no, I am looking at you.

BY MR. LAZARUS:

Q Thank you.

On August 18, 1982, was $800 spent on you for information and expenses?

A. That is not true.

Q That is not true? Okay.

A I took $800 to pay for my apartment.

Q Okay. Now, on September 9, 1982, did you take $400?

A I didn't understand.

Q No problem. On September 9, 1982, did you take $400?

A Yes.

Q Okay. And on September 14, 1982, did you take $450?

THE INTERPRETER: Can you repeat the question?

BY MR. LAZARUS:

Q Okay. (Spanish words.)

THE INTERPRETER: In English, please.

BY MR. LAZARUS:

Q $450?

A Yes, to pay the apartment.

Q Okay.

A Everything, to pay for the apartment and the food.

Q Okay.

A Not for my personal use.

Q No. Okay. And, on September 21, 1982, you, did you receive $300?

A. I don't recall.

Q. Okay.

A. I received every fifteen days.

Q. How much?

A. The payment for the rent.

Q. Okay. And how much did you receive every fifteen days?

A. $500.

Q. Did you receive any other money?

A. No.

Q. But in September, according to this chart, you--

MR. GREGORIE: Objection, Your Honor. There is no chart in evidence.

THE COURT: Sustained.

BY MR. LAZARUS:

Q. Okay. That is true. I withdraw that.

But didn't you receive in September four, four payments on four different occasions?

A. I don't remember. I would work and sometimes they call me and I think that I am being paid for my work, no?

Q. I think you are.

A. Not for this information, for my work.

Q. I see, and for your work in October, did you also get four different payments?

A. Four payments? Never.

Q. Okay. Didn't you receive $250 on October 8?

A. Yes, they paid me weekly first.

Q. Okay. And when did they start paying you bi-weekly?

A. I don't remember, about one month.

Q. I'm sorry. When did they start paying you bi-weekly?

A. After a month, I was the one who said that that weekly thing, and then they started giving it to me every two weeks.

Q. When?

A. When what?

Q. When did they start paying you bi-weekly?

A. Was that, I don't remember, they started paying me weekly.

Q. You have no idea?

A. I do have an idea.

Q. Great. What is your idea.

A. About after a month and a half, more or less.

Q. After a month and a half from what point?

A. Of August.

Q Well, that would mean that by the middle of September, you started being paid bi-weekly, more or less?

A Perhaps it could be so, yes.

Q Okay, but in November you still got four payments, didn't you?

A I can tell you, I can not tell you, I don't remember.

Q Okay. Well, let me help you to refresh your recollection.

On November 4, didn't you receive $250?

A Yes.

Q And, on November 11, did you receive $250?

A Yes.

Q And, on November 18, didn't you receive $550?

A Yes, which is five hundred and five hundred.

Q And, on November 29, didn't you also receive $500?

A You can imagine I don't remember.

Q And, in December, didn't you receive your four payments?

A How did you say it? I didn't understand.

Q In December, didn't you receive four payments?

A I don't remember about the payments. I know that they paid me, but I don't remember. I don't count the days.

Q Let me help you refresh your recollection. I am sorry, Luis. Go ahead.

THE INTERPRETER: I did.

BY MR. LAZARUS:

Q Thank you. On December 6, did you receive $500?

A I don't remember.

Q Okay. How about $200 on the 17th of December?

A What?

Q December 17, $200?

A December 17?

Q Yes.

A December 17? I don't remember.

Q Okay. Do you remember $700 on December 20?

That will be five days before Christmas.

A I think that is too much money. I don't recall to have been paid that much money.

Q And, December 30, didn't you get another two-fifty?

A. I don't remember.

Q. Okay. And how about January 5th, do you remember $500, then?

A. I don't remember.

Q. And in February, I think, you did testify that you received $900, so far this month?

A. Yes.

Q. And I take it for the month that comes, that would be March, you are expecting another thousand dollars, is that correct?

A. I never expect that money.

Q. It just comes?

A. I haven't asked any money.

Q. But--

A. For it.

Q. But when it comes, you take it?

A. You can imagine it is for the payment of the rent. I have to take it.

Q. I can imagine.

Now, Mr. Estevez, if you know, what quality did you have that the Cuban government selected you as a spy?

A. Which were my qualities to have worked since 1970 for the Ministry of the Interior at the

Department of the Special Bureau of the Ministry, then, can I clarify or pronounce, (Spanish words)," Chief of Education and Information and Location,"I used to locate people.

Q Were these people that the government wanted brought in for questioning?

A I don't understand.

Q I will ask you the same question again. For people that you helped locate, were these people that the government wanted brought in for questioning?

A Questioned about what?

Q About counter revolutionary activities?

A No.

Q Okay. How many people worked in--where you worked?

THE INTERPRETER: For the record, Your Honor, the word (Spanish word) has two possible meanings, one in Spanish is the one I gave in the translation, Counselor, which is to locate, and the other is also to place somebody.

BY MR. LAZARUS:

Q Which one did you mean? Of those two meanings, locate or place?

A To give a job.

Q Okay. How many people worked in your

department or where you worked in this ministry?

A Six used to work.

Q Were all of those people selected as spies, also?

A I don't know.

Q But it wasn't solely where you were working that got you to be selected as a spy, was it?

A It may be.

Q Okay. Now, you were sent over here first to infiltrate Alpha 66 and then later to infiltrate the drug trade, isn't that correct?

A Ordered me to come here to infiltrate Alpha 66.

Q Now, when you are going to infiltrate an organization, there are certain things you have to do, aren't there?

A Sure.

Q You have to make up a false reason for why you are doing what you were doing, isn't that correct?

A Sure.

Q When you came over here, you in fact, did not sympathize with the goals of Alpha 66, did you?

A Of course not.

Q But you had to convince some pretty smart people that you did sympathize with those goals, didn't --

you?

A Yes.

Q And that, of course, is one of your. talents, isn't it?

A It may be.

Q And that may be why they selected you to be a spy, isn't it?

A In there, I have to explain, I can not without an explanation.

Q All right. Never mind. Strike that question.

You also, when you are in a tight spot, have to be able to talk your way out of it, don't you?

A I don't understand.

Q When you get yourself caught in a tight spot, when there is a problem with your cover story, you have to still be able to convince these people that you in fact, are with them and not against them, isn't that correct?

A I never been in a tight spot, so I can not tell you.

Q When you were arrested, that wasn't a tight spot?

A No.

Q Okay. So, one of the reasons you are

never in a tight spot is because you are pretty fast on your feet?

MR. GREGORIE: Objection, Your Honor.

BY MR. LAZARUS:

Q That is, that you are able to lie pretty quickly?

THE COURT: What is the answer to the question, Luis?

THE WITNESS: I don't understand that question.

BY MR. LAZARUS:

Q That you are a man that lives by his wits?

THE COURT: What is your question. Your question is as follows, listen to me.

"You are a man who lives by your wits."

That is a question?

MR. LAZARUS: Yes, Your Honor.

THE COURT: Well, I do not believe it is.

BY MR. LAZARUS:

Q Okay. Are you, aren't you a man who lives by his wits?

A I don't know.

Q But anyway, when you came over here, you were able to convince Alpha 66 that you were, you sympathized with their goals?

A Quite quickly, yes.

Q Quite quickly, and then this was even though, in fact, you were totally against all their goals, weren't you?

A Yes, completely against.

Q But they didn't know that?

A No, and that is why it is I destroyed them.

Q How did you destroy them?

A How I destroyed them, by sinking them two boats.

Q How did you do that?

A How did I do it?

Q Yes.

A By sinking them.

Q How did you sink them?

A What do you mean, how did I sink them?

Q You tell me.

A Filling them with water.

Q You filled them with water?

A By buying bad parts, spare parts.

Q I am sorry?

A Buying bad parts.

Q You sunk them by buying bad parts?

A No, I sank the boats and I bought the

parts and then I said that they were no good, because I broke all of them.

Q But--

A I destroyed--I destroyed them so completely, that I think that they must still be paying for all the damages.

Q So you are a pretty successful fellow, isn't that correct?

A Not successful, there was no success in that. That is not a success when I had to jump on my feet and run.

Q Well, we just said you are pretty fast on your feet, aren't you?

MR. GREGORIE: Objection, Your Honor.

THE COURT: Counselor, listen.

MR. LAZARUS: I apologize, Your Honor.

THE COURT: You see, the lawyer's duty to the court and the system is to ask questions on cross examination.

BY MR. LAZARUS:

Q Tell me about the situation where you had to run.

A Alpha had by means of my half brother who I think I destroyed him completely, they sent me through Tony's Marine, the message telling me get out, leave because the people of Alpha are looking for y

Q And you got out real quick?

A Surely, immediately, I started the engines and I left.

Q Now, when you--when did the Cuban government decide to send you in the drug trade, they never gave you instructions about what to do if you were caught?

A They trust in me, no, or trusted in me, how--and it seems to me that that is not something to be asked to me. I don't mean you, I mean the government asking me.

Q But my question, Mr. Estevez, didn't they discuss with you the possibility that you might be caught as a drug smuggler?

A They knew that I would not talk. They trusted me.

Q Okay. Now, you came--you went over to Bimini and you convinced these drug smugglers that you were in fact, one of them also, isn't that correct?

A Not at first.

Q Okay. I see. Now, in Cuba in 1978, you say you were cited for good work that you did?

A Yes.

Q What was that good work that you did?

A Which good work? In the case of Angola and in the training.

Q All right. In your testimony about your trip out to that Colombian ship, I think you said that the name was--the name of the ship to you was also the CORAL, wasn't it?

A Yes.

Q Did you also testify that under the name CORAL was the name VIVIANA?

A Yes.

Q But the name--the name of that boat to you was always the CORAL, isn't that correct?

THE INTERPRETER: Isn't that what?

BY MR. LAZARUS:

Q Didn't you call that boat the CORAL?

A I always called it the CORAL, because it was the top most name that I saw.

Q And the only other name on that boat was the VIVIANA, isn't that correct?

A Yes, likewise is in the information that I gave the country.

Q Okay. And the captain of that boat was El Negro Diaz?

A Yes.

Q He is not in court today, is he?

A No.

Q Now, you, through your drug dealings, earned, you said today, three and a half million dollars?

A That was during the first trip on the month of December, it was the month of January when I started with that business, that matter, that it is not Jaime Guillot's deal.

Q I understand this was a separate deal that you had drug dealings that you were involved in?

A Yes, that was about the 28th of January.

Q And that money you turned over to Cuba?

A Yes, completely, and then I brought more.

Q Now, you have had conversations about what you have told us in court with agents from the government, isn't that correct?

A Of what I said here in court?

Q Well, this subject matter.

A I don't think so, because the judge said that nobody had to know what was being said here.

Q No, no, I think you misunderstood my question.

I mean, before you came into court, didn't you have conversations with government agents regarding the subject matter that you have testified here today?

THE INTERPRETER: I am sorry, both, they both were, regarding what, what was the question.

BY MR. LAZARUS:

Q Regarding the subject matter that you have testified in court today.

A Nothing.

Q I am trying to be fair to you, Mr. Estevez, so I am asking the same question again because I think you may have misunderstood me.

Didn't you have several conversations, in fact, with government agents that would be Mr. Fernandez or Mr. Gregorie or any other government representatives about the subject matter to which you have testified in court today?

A What do you mean, since I left this place?

Q No, I do not, I mean before you ever came here to court.

A That if they have talked with me?

Yes, they have.

Q Yes, I thought so. Okay.

Now, in those conversations, do you know if there was any tape recording made of your conversations with them?

A I don't know.

Q Was there a secretary in the room taking notes?

A I don't remember. There were three or four persons, always.

Q Okay. And would one of the persons that was in the room be taking notes or working a recording machine?

A I never saw a tape recorder.

Q Okay. How about somebody taking notes of what was being said?

A Mr. Gregorie, Richard, asked me questions and I answered them.

Q Yes, but my question was--those questions and answers, was somebody writing them down?

A I don't know.

Q Okay. Well, after you spoke with them at any time, did they show you a copy of a statement regarding the subject matters that you had discussed with them?

A I don't understand.

Q Well, you went in there and they asked you questions and you gave them answers, right?

A Yes.

Q Okay. Now, did you ever see those questions or the answers that you gave at least reduced to writing in some way?

A No.

Q You were never shown anything saying, is this essentially your testimony, or is this essentially your statement?

A When I used to go to the office, they asked me questions and I answered them as I knew, and there they took me out and I left.

MR. LAZARUS: I have no further questions. Thank you, Mr. Estevez.

THE COURT: All right, Mr. Marshal, you can take the ladies and gentlemen out for a recess, please.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: Just have a seat a moment. What is the time that I am expecting some Grand Jury?

Let me see it.

We will take about ten minutes, gentlemen.

[Thereupon, the trial was adjourned for a short recess:]

THE COURT: All right. Shall we proceed? Bring them in.

[Thereupon, the jury returned to
the courtroom, after which the
following proceedings were had:]

THE COURT: All right. Who is next?

BY MR. SANFORD:

Q Mr. Estevez, what was your first position with the Ministry of the Interior in 1969?

A I started with the Ministry in 1970.

In '78, I was working in Las Vegas, from there I was called by the National Directorat of the Ministry of the Interior for an interview, and I had the interview.

THE COURT: Just a moment, please. Would you like to ask him a question again, Mr. Sanford?

MR. SANFORD: Yes, sir.

BY MR. SANFORD:

Q What was the first job you ever held at Ministry of the Interior?

A My first job was to work in public information.

Q Who was the minister of that ministry at that time?

A The minister was--name was Sergio Del Valle.

Q What was your position in 1977?

A In 1970, I was Chief of Public Information of the people in the Carribean.

Q Who was it that called you for an interview in 1978?

THE INTERPRETER: 19?

BY MR. SANFORD:

Q '78.

A In 1978, I was ordered by Lieutenant Colonel Blanco. Signed by Rimel Valdes.

Q And he was the Minister of the Interior at that time?

A Yes.

Q And to what organization did Lieutenant Colonel Blanco belong?

A To Intelligence, but he worked for the special troops units.

Q And I did not hear you, I am sorry.

A For the special troops units.

Q The special troops units of what?

A Of the Ministry of the Interior.

Q Do you know what the Cuban F.A.R. is?

A Yes.

Q Did you serve in that organization?

A Never.

Q At some point in your career, you were given some type of military rank, is that true?

A Yes.

Q When was that?

A It was in '68.

Q Who gave you that rank?

A Lieutenant Colonel Rolando Mojica, he is the Chief of the Ministry of the Interior in the Province of Las Vilas.

Q Where is the Province of Las Vilas?

A It is in the middle of the country next to Matanzas, and next to Camaguey.

Q Does it have a coastline, Camaguey?

A Yes, of course.

All Cuba has coast.

Q Did you begin training as an Intelligence agent in 1978?

A Yes.

Q And, in that training, were you advised that or did you learn of the organizational structure of the Cuban Intelligence Service?

A About construction, yeah, a little bit.

Q There is more than one Cuban Intelligence Agency, isn't there?

A Yes.

Q What was the first one you learned about?

A It was--what was the first?

Q The first one you learned of?

A The Institute of Friendship with the people.

Q Did you ever work for that organization?

A I belong to that one.

Q And that is you now belong to it?

A I belong now to the United States.

Q But that is an Intelligence Organization?

A Yes.

Q What is the Director of General Intelligence?

A The National Intelligence Directorate is in El Vidado, Havana.

Q Did you ever work for that organization?

A No.

Q Do you know what the Director of National Liberation is?

A Yes.

Q What is that?

A That is an organization for all the other countries such as, let's say, Asia, Africa.

Q What is the Americas Department?

A The Department of the Americas was directed by the sister of Aldo Santa Maria Cuadrado

The mission of the Casa De Place Americas is to--it is an institution, an organization, made up of writers and to disseminate Communism to the other countries.

Q Who is Manuel Penero Losado?

A Red Beard.

Q I know that is his nickname.

What is his position?

A He is a Vice Minister of D.G.I..

Q There is also a military intelligence?

A Of course.

Q Is that known as G-2?

A Yes.

Q Which of these intelligence organizations that we have been talking about run penetration operations against anti-Castro Cuban exile groups?

A D.G.I.

THE INTERPRETER: He is pronouncing it in English, apparently.

The result is--

BY MR. SANFORD:

Q But, you are saying D.G.I.?

A D.G.I.

Q Bu*, you never worked for the D.G.I., did you?

A All my bosses are from the D.G.I.

Q Do you know what the illegal center of the D.G.I., the illegal center of the D.G.I. is?

A Yes.

Q Did you ever work under that?

A No, no, sir.

Q Did you ever work in Counter-Intelligence for the D.G.I.?

A No, sir.

Q But you, were you first trained as a penetration agent for the Cuban government?

A Yes, sir.

Q And was that specifically for the purpose of going into anti-Castro Cuban exile groups?

A Yes, sir.

Q And in the course of that training,did you or were you taught the various anti-Castro organizations in the Miami area?

A Yes, sir.

Q And were you given information about Corum or Coru?

A Which Coru?

Q Coordination of the United States Revolutionary organizations?

A No.

Q Have you ever heard of that before?

A No.

Q Have you ever heard of the National Front for the Liberation of Cuba?

A National Front for the Liberation of Cuba, because I think that is--

Q The F L N C?

A Yes, I think so.

Q And what about Cuban--Accion Cubana.

A What?

Q Accion Cubana.

A I have heard it mentioned, but that does not do harm to Cuba.

Q But, the Cuban Nationalist Movement?

A I heard it mentioned a great deal, yes.

Q So in this training that you had, where you say that--where you say you were taught of the various anti-Castro organizations, the only one that apparently you can tell us about is Alph 66, is that right?

A The only one that I know everything of is that one, yes. That was my mission. I couldn't go into any other organization.

Q Were there other people training with you as penetration agents?

A I saw people being trained. I don't know if it was for penetration into the United States, penetration into Central America or Europe.

Q All right. Was it important in your training to acquire as much knowledge as possible about the anti-Castro Cuban exile groups?

A To me that was not important.

Q Was it important to anyone else that you know?

A Could be, if he did not have the link which I had, because my brother was one of the organizers of Alpha 66.

Q Do you know when Alpha was organized?

A Alpha, I know almost all the story of the history of Alpha. It began, I think, in '63, I think it was when it was organized, no, in '66, '67.

Q And your brother was an organizer at that time?

A Yes.

Q Had you ever been to the United States before May, 1980?

A I was close, yes.

Q Well, my question is, have you ever been within the borders of the United States before May of 1980?

A No.

Q Who was your control agent in regard to your activities as a penetration agent?

A Lieutenant Colonel Carlos, Lieutenant Colonel Nelson and Captain Eufrain.

Q All right. The same ones that we have been talking about throughout your testimony?

A Yes.

Q For what organization did they work?

A For the Institute of Friendship with the Peoples.

Q Is that a Cuban intelligence Agency known as S.C.U.P.?

THE INTERPRETER: I.S.U.?

Q S.C.U.P.

A Yes, the S.C.U.P., that is for the international press, directed by radio Havana, Cuba, that one is directed by the D.G.I.

Q Do they have something to do with Cuban operations with drugs?

THE INTERPRETER: For the Record, Counselor, Judge, he is saying the acronyms for the D.E.A. I assume he is pronouning D.G.I. in English, but he is saying D.E.A., really. Can you repeat, Counselor, the question?

BY MR. SANFORD:

Q Does the S.C.U.P. have anything to do with Cuban operations in drugs?

A I don't know, but--

Q Do you ever recall making a statement that the Cuban operations with drugs were directed by the S.C.U.P.?

A S?

Q S.C.U.P.

A S, I don't know that S.C.U.P.

Q Let me--I am calling your attention to your Grand Jury testimony on August 6, 1982. Do you remember being asked this question:

"Q In Cuba, were you given a bill of lading or shown a bill of lading by anyone?

"A When we arrived, all these jobs that are done with the drugs are done very secretly, unknown of the Coast Guard or the War Marine."

THE INTERPRETER: The Coast Guard, what?

MR. SANFORD: "The War Marine, they don't know about the Cuban operations with the drugs which all of this is directed by the S.C.U.P., which is the Cuban Intelligence Agency?

THE WITNESS: No, that is D.G.I.

That U.P. does not exist, C.U.P.,

the International News Organization, Journalism.

Everything in Cuba is directed by the D.G.I., and confirmed by Fidel Castro. Everything has to get to the ears of Fidel and Fidel has to say yes or no, and the Central Committee.

BY MR. SANFORD:

Q All right. So, is it your testimony today that the D.G.I. controls the Cuban drug operation?

A Of course.

Q And that is who you are working for?

A I work for the D.G.I., yes, what is it that there is in Cuba which does not move itself according to the D.G.I. That is the security of the government.

Q When you came back from your Alpha 66 mission, what was the specific assignment that was then given to you?

A The infiltration of Alpha 66 and to try to destroy it, not to destroy it by planting bombs on it, but to destroy it completely, economically.

Q What was your next specific assignment after Alpha?

A To be able to take the sabotage command in boats.

Q What was the specific assignment given you regarding Cuban drug operations?

A. To take information and to penetrate them for instance, with Ochoa or El Guajiro Marichal who is presently in jail in Cuba.

Q. What is the real name of Rene Baeza-Rodriguez?

A. Rene Baeza-Rodriguez is Aldo Santamaria-Cuadrado.

Q. What is his position in Cuba?

A. Vice Admiral of the Navy.

Q. And then he was directing the drug operations at the Paredon Grande?

A. He was the one who was on the boat.

Q. But he is not in D.G.I., is he?

A. Not the one who belongs is the other one who was with him.

Q. Who was that?

A. I don't recall his name.

Q. Before you left for Bimini, were you told anything about Paredon Grande by your control agent?

A. On the down-side of Paredon, yes, the outside wall of Grande.

Q. Were you told about Paredon Grande?

A. Nothing about Paredon Grande.

Q. Tell us--I withdraw that.

What type of base is at Paredon Grande?

A. It is not a base.

Q Are there Naval ships at Paredon Grande?

A. Well, that, that day they were Navy ships, but in Cuba in all inlets there are war ships.

Q Are there also border guard ships?

A. Of course, in all the Cuban coasts.

Q Is there the facilities for ships in Paredon Grande?

A. No, that I know, no. It may be that militarily there are.

Q You know of no military base at Paredon Grande?

A. There are no military bases in there. I know almost all of them, the Cuban ones.

Q Do you have any contact with any officials of the border guard as a result of your training?

A. I didn't understand your question, please.

Q Did you ever meet any officials of the Cuban border guard?

A. But while being in the United States?

Q After you were trained as what you say--as an intelligence agent, did you meet anyone from the Cuban border guard?

A. Every month.

Q. You met with the members of the border guard?

A. I didn't meet, when I entered Cuba, I entered handcuffed, and then when I went to Havana, the handcuffs were taken off me.

Q. So you were in fact, deceiving the border guard?

A. Sure. They have to be deceived, I was a secret agent, no?

Q. Were there any border guard boats at Paredon Grande when you went in there?

A. Yes.

Q. And they were there when Rene Baeza was also there?

A. Please repeat that question.

Q. Were there border guard vessels at Paredon Grande when Rene Baeza was there?

A. Yes.

Q. That was surely to watch him--take care of him, I mean, to protect him, because he was a Vice Admiral of the Cuban Navy?

A. Could be. I didn't know him at that time.

Q. Well, you met him at that time, didn't

you?

A At that time, I did not know him. How could I expect a Vice Admiral in pullovers and the shorts and with a cap.

Q Did you meet Rene Baeza when you went into Paredon Grande?

THE COURT: Excuse me. The word meet has two meanings in Spanish, Mr. Sanford. One is to meet a person for the first time and the other meaning is to get together.

Which one do you mean?

BY MR. SANFORD:

Q The first definition.

A Well, Rene Baeza I met for the first time.

Q Where?

A At Paredon Grande.

Q And the border guard vessels were there?

A Yes, and we had to take down all the guards from our boat.

Q And Rene Baeza was undercover at that time also, is that right?

A What do you mean, undercover?

Q He was trying to hide his true identity, wasn't he?

A. To us, perhaps, it could be.

Q. There was a quantity of illegal drugs at Paredon Grande at that time also, wasn't there?

A. Yes, it was a Colombian boat named EL CORAL and underneath EL CORAL, it said VIVIANA.

Q. Did the border guard know that those drugs were there on that ship?

A. I think that they didn't know anything because the boat was shot at.

Q. Mr. Estevez, are you writing a book?

A. Writing a book?

Q. Yes.

A. Not at this time.

Q. Are you planning to write a book?

A. Perhaps, yes, but, to give it to Alpha 66 for the harm that I did to them and to pay for the debts that I have incurred with this government.

Q. Are you writing a book about all of your escapades as an alleged Cuban intelligence agent?

A. No.

Q. What are you writing a book about?

A. About the drugs. I am not writing it now. It could be.

Q. You told the Grand Jury that you were going to write a book, didn't you?

A Yes, that I have thought to do that, so that everybody would know what I did and would know that truth of this thing.

Q And you would also expect to make money from that?

A Perhaps, yes, because it is my work.

Q Mr. Estevez, what do you consider to be the most important attribute of a good intelligence agent?

A I don't understand.

Q Is it the ability to deceive the most important attribute of a good intelligence agent?

A I can not explain that to you because I don't know how to explain that to you, because after I have done this, don't you think that I am obtaining--acquiring a good reputation in my country that I have done a very good thing. This is a very weak point for communism, expecially for my country where this mortal dangerous drug is not used. That is treason.

Q All right. Mr. Estevez, were you well-trained to deceive by the Cuban government?

A Not very well trained. I have never deceived anyone. Perhaps if anyone had asked me, "Are you a spy?" Perhaps I would have answered, because many people here knew that I was taking parts to Cuba from here.

Q Did you deceive the people at Alpha 66?

A Yes.

Q And did you deceive the people that you have pointed out?

A How do you mean I deceived them?

MR. SANFORD: I have nothing further.

MR. COHEN: I have no questions, Your Honor.

MR. GREGORIE: I have a couple of short questions, Your Honor.

REDIRECT EXAMINATION

BY MR. GREGORIE:

Q Mr. Estevez, have you ever heard the initials I.C.A.P.?

A I-Cap, si, yes.

Q And what is I.C.A.P.?

A Cuban Institute of Friendship with the Peoples.

Q When you were asked by Mr. Sanford if you had answered in the Grand Jury they don't know about the Cuban operations with the drugs which all of this is directed by the S.C.U.P., is it possible that you said I.C.A.P.?

MR. SANFORD: Objection.

MR. NEGRETTI: Objection.

MR. LICHTER: Objection, Your Honor.

THE COURT: Sustained.

MR. NEGRETTI: Move that it be striken and the jury advised to disregard it.

THE COURT: I did not hear any answer, did you?

THE INTERPRETER: Me, either.

MR. GREGORIE: Just one moment, Your Honor.

BY MR. GREGORIE:

Q Mr. Estevez, do you remember Mr. Lichter asking you about your testimony on September 24, 1982 in the Grand Jury?

MR. LICHTER: Objection as to form.

THE COURT: Oh, I am assume he is laying a predicate to try to read another portion of this. Is that right?

MR. GREGORIE: That is correct.

THE COURT: Well, go ahead, if you wish.

BY MR. GREGORIE:

Q In particular at Page 25 where he asked you, were you asked the question, "Mr. Estevez, did you at some time move the LAZY LADY?"

"A From where?

"Q From where it was stopped outside of the South Andros.

"THE WITNESS: Never.

"Q The boat remained there?

"A. Yes."

MR. LICHTER: Showed you this page, sir, Page 25?

A. Yes.

Q Did Mr. Lichter show you the very page, sir?

MR. LICHTER: Objection, Your Honor.

MR. NEGRETTI: Objection, Your Honor.

THE WITNESS: I know.

THE COURT: I do not believe the record reflects any reference by Mr. Lichter to the following page, does it, gentlemen?

All right. What is your question?

MR. GREGORIE: On the following page, sir--

MR. LICHTER: Your Honor, I do not believe that the prosecutor is going to be asking the questions.

THE COURT: You may read from that testimony and ask this gentlemen if those were his questions and his answers, if that is what you wish to do.

BY MR. GREGORIE:

Q Were you asked the question, "So the boat was fixed?" and you gave the answer, "Yes."

And, were you asked the question: "When the boat was fixed, where did it go?"

And, did you answer, "We went to Cay Cay which is Riding Rock?"

A Yes.

Q Thank you, sir.

Now, sir, were you also asked by Mr. Lichter if you mentioned the defendant Jose Luis Martinez in the Grand Jury?

A Yes.

Q Do you remember in your August 6, 1982 Grand Jury testimony at Page 18--gentlemen, I am sorry, Your Honor, strike that. At Page 14, Line 23, do you remember giving the answer:

"In that island, I found was some contact that I had with them, Jose Luis Martinez was there, Jorge was there, Jorge Llerena, I believe it is, Cori was there."

A Yes.

Q You also remember in that same testimony sir, at Page 33 being asked the question:

"I show you Grand Jury Exhibit No. 10. Do you recognize that individual?

And you giving the answer, "That is Jose Luis Martinez, captain of the boat of the ROCKY, who was the captain of the K-D until I took over"?

A Yes.

Q Do you also remember testifying before the Grand Jury on September 24, 1982, sir?

A I didn't understand.

Q Do you also remember having testified before the Grand Jury on September 24, 1982?

A Yes.

Q Do you remember telling the Grand Jury at that time, Page 9:

"Then I leave Clemente over there and Jose Luis Martinez was on that island and Jorge Llerena was also there and Cori, whose name I do not know, was also there and three scums from Mariel."

THE INTERPRETER: I am having trouble. Excuse me. "And, three scums or three Mariel?"

THE WITNESS: Yes.

BY MR. GREGORIE:

Q Did you also testify on this date, sir.

Page 30, gentlemen, "Well, after the K-D arrived, Jose Luis Martinez was the captain, that same man that I saw when we were at 17 miles, well, at Guinchos, itself, that this Jose Luis Martinez and another man that I had never met. Jose Luis Martinez called David and David ordered me to captain the K-D and go to the same place where we had thrown away the pills."

A Yes.

Q Now, sir, as you were going in the LAZY LADY from South Andros toward Cuba, did anyone take out the guns you have testified about?

A Yes.

Q When?

A When everybody went to throw them overboard.

Q Where the guns kept until that time?

A In the drawer next to the helm.

Q When you say a drawer, sir, how big a drawer is that?

(Demonstrating.) It is three drawers and then to the side it has two that opens and then the other's like this (Indicating).

Q Had the guns been taken out at anytime prior to this point in the voyage?

A I didn't understand.

Q Had the guns been taken out of those drawers at any time prior to that point in the trip?

A Before getting to Cuba? Yes.

Q And what were they taken out for?

A Because I don't remember if it was Pepe or if it was Guido the one who said, "Gentlemen, let's better throw out the weapons," and I said that it was not necessary to throw them out and they threw--threw them out by the left side window, by the star-board side.

Q Sir, prior to throwing them out, had the guns ever been taken out on the boat prior to that time?

A Never.

Q Finally, sir, you said that you made approximately three and a half million dollars in drug trafficking, is that correct?

A In January, yes, I did not turn, Cuba, return--

Q And on cross-examination, sir, you said that two and a quarter million dollars was yours personally, is that correct?

A Yes.

Q Where is that money today, sir?

A It is in my country that is directed by

Olga Llerena-Camas.

Q And can you go back and get that money, sir?

A I think if I go, I would be executed instantly.

MR. GREGORIE: Thank you, sir. I have nothing further.

MR. LICHTER: May I, Your Honor, very briefly?

MR. NEGRETTI: May I?

RECROSS EXAMINATION

BY MR. LICHTER:

Q Mr. Estevez, I know that you have mentioned Mr. Martinez as being present on Guinchos Cay. You found him there, didn't you?

A Yes.

Q And you did mention in your Grand Jury testimony, that he was the captain of the K-D before you took over, didn't you?

A Yes.

Q Did you ever tell the Grand Jury--strike that.

When you were discussing the hierarchy of this criminal organization, did you ever tell the Grand Jury that Jose Luis Martinez was in anyway involved in the trafficking of drugs?

A When I met him?

Q Did you ever tell the Grand Jury in any of your testimony, sir, Jose Luis Martinez was in any way involved in these drug operations that you testified to for the past three days?

A Yes, he--he is involved.

Q Did you ever tell the Grand Jury, sir?

A I don't recall.

BY MR. LICHTER:

Q Well, Your Honor, I know that we are pressed for time. Perhaps the witness could read these overnight and we could pick up this again tomorrow morning.

THE COURT: All right.

MR. GREGORIE: We will need the assistance of Mr. Nigaglioni.

THE COURT: If you fellows can not get anybody else, I will translate it for him. Take it around tonight.

MR. LICHTER: I will be happy to.

THE COURT: Anybody else?

MR. NEGRETTI: Yes, sir.

THE WITNESS: I can tell you the life of each and everyone, the place where they live.

MR. SANFORD: I object, Your Honor.

THE COURT: I do not believe there is any question before the witness.

THE WITNESS: I am sorry.

THE COURT: All right.

BY MR. NEGRETTI:

Q Did you come to the Mariel boatlift, sir?

A Yes.

Q And how are those people called?

A They call them scum.

Q Thank you.

Now, sir, to whom does this machinegun aboard belong?

A To the one, it belonged to the boat.

Q No, no, the one to whom the shotgun belonged.

A Well, if it was the captain, I think, to me.

Q And if you were the captain, the machine gun belonged to you, is that correct?

A All the weapons and all of the belongings of the boat, although the owner was there and I was the captain and I was the one who gave orders.

Q And you had the care and custody and

control of those, right?

A. Sure.

MR. NEGRETTI: No further questions from this witness.

MR. SIBILA: Your Honor, I have a question.

BY MR. SIBILA:

Q. Is it your testimony that you made 3.5 million dollars in one month?

A. I brought in 70 kilos of cocaine and I took down there half of it and then I took there the other half or I don't remember if I took more than half the first time.

Q. Did you make 3.5 million dollars in one month?

A. I sold--

Q. Yes or no would do.

A. I didn't earn.

Q. Didn't you just tell the prosecutor that you brought it to Cuba, the 2.5 million dollars, that was yours plus another million dollars?

A. I think that you misunderstood me. I brought in January the 28th, 70 kilograms of Cocaine which were at forty-three thousand dollars each. I sold them. I received, I think, 3.5 million dollars.

Then I think it was in January, in February the 10th it was, when I took the money down there.

Q Where did you keep this 3.1 million dollars?

A In suitcases.

Q How many suitcases?

A I didn't keep three, I didn't keep three millions, I kept 1.5 millions in a suitcase, like this, and it was in the hotel (Demonstrating).

THE INTERPRETER: He called it Executive, Executive at 8th and 43rd.

THE WITNESS: And if I am not mistaken, it was under the name of Mario Richel.

Q Is that, you mean that was your undercover name you used?

A Several undercover names I had.

Q You mean you checked into a hotel with a briefcase with 1.5 million dollars in cash and you registered yourself as Mario Richel?

A 1.5 million dollars or more, yes.

Q And what is the name of that hotel again?

A Well, at that time, it was called Executive, E-x-e-c-u-t-i-v-e.

Q And what was the address again?

A Forty-four, forty-five street, and S. W.

Eighth Street, I don't recall well. I was there for almost a month.

Q What year was this?

A This was in '81, in February, I was several times in there.

Q What are their names.

A Yes, and I also lost cocaine at the Marriott Hotel.

Q Could it be 45th Avenue and 8th Street?

A I don't know, 40 plus and painted in yellow, it says Executive next to it, there is a dancing place.

Q And what were the bills, hundred dollar bills denominations of the bills?

A Fifty and a hundred.

Q And how much space did this 1.5 million dollars occupy?

A It is a suitcase, it was nothing.

Q Is that about three feet by two feet or one foot?

A The suitcase was more or less like this--this width, airport suitcase.

Q And how many rolls or how was the money in there? How was the money in there--packed in there?

A It was packed.

Q Yes. How.

A With rubberbands.

Q All right. And how many?

A Inclusively, there were almost two hundred thousand dollars which were completely counterfeit.

Q So you had 1.5 million legitimate bills plus two hundred thousand in counterfeit?

A I didn't know that they were counterfeit. I learned of this in Cuba.

Q All right. What did you do with the other two million dollars?

A Take it back to Cuba and I also lost cocaine, I had to go running because--

THE COURT: Excuse me just a minute. Your question was, and what did you do with the other money?

MR. SIBILA: Yes, sir. The two million or what.

THE COURT: Just answer the question, please.

THE WITNESS: To take it to Cuba, all of them to Cuba.

BY MR. SIBILA:

Q Did you take any cocaine to Cuba?

A. I brought cocaine from Cuba.

Q. Now, how did you back your, finance, all of your operation that grew to 3.5 million dollars?

A. I brought in seventy kilos of cocaine.

Q. From where?

A. From Cuba.

Q. All right.

A. A Black man from Ohio, to him I sold ten kilos.

Q. How did you meet this gentleman from Ohio?

A. Through a friend of mine and his wife.

MR. SIBILA: I want to take a second, Your Honor.

Your Honor, I do not have any more questions.

MR. COHEN: I have a short question, Your Honor.

BY MR. COHEN:

Q. Mr. Estevez, do you recall that Mr. Gregorie just asked you certain questions about previous Grand Jury testimony in this case?

A. Yes.

Q. Do you recall that he asked you if on August 6, 1982, Page 14, you gave the following answer, "All that you found was some contacts that I had with Mr. Jose Luis Martinez was, Jorge was there, Jorge Llerena, I believe it was Cori was there."

A. I don't understand your question.

Q. Do you recall giving that answer to Mr. Gregorie?

A. But you say through several contacts for-

Q. Aren't you looking for them on the sea?

THE COURT: Excuse me. He just wanted to know if you remember, I think that a few minutes ago, having had Mr. Gregorie read that to you. I think that is the question.

THE WITNESS: Yes.

BY MR. COHEN:

Q. Do you remember Mr. Gregorie read you that answer, reading you that answer?

A. Yes.

Q. And do you remember giving that answer to the Grand Jury?

A. Yes.

Q. And at that time, at the Grand Jury you were referring to the island where you found David Perez' lost boat?

A. Yes.

Q. And that was aboard either the ROCKY VI or the RICKY VI?

A At first I didn't remember ROCKY, RICKY, or RX, I hadn't--I had any translation, was the literal translation, the literal translation because of my--

Q Were you all talking about the same boat that was the boat you referred to in this testimony?

A Yes, that is the boat that I found, yes.

Q Okay. Also, Mr. Gregorie asked you on September 24, 1982, on Page 9 you made the following statement, "Then I left Clemente over there, Jose Luis Martinez was on this island and Jorge Llerena was also there and Cori, whose name I do not know."

THE INTERPRETER: I can not even hear you. Can you speak up or show me the copy.

MR. COHEN: Okay. Would you read him this answer?

THE INTERPRETER: Which one.

MR. COHEN: Yes, the one that is open.

[Thereupon, the interpreter read the answer to the witness, as indicated:]

THE INTERPRETER: Do you want me to read it in English?

BY MR. COHEN:

Q No, that is okay.

A. Oh, yes.

Q. Do you remember your answering Mr. Gregorie that you in fact did make that statement at the Grand Jury?

A. Yes.

Q. And did that also refer to the incident at Guinchos Cay where you found David Perez' lost boat?

A. That was where I found those people.

Q. Okay.

THE COURT: All right. Step out just for a minute. Take them out, Mr. Marshal, please.

[Thereupon, the jury retired from the courtroom, after which the following proceedings were had:]

THE COURT: Just a minute. What do you hear from the 4:30. How many witness do you plan to call for the government?

MR. GREGORIE: We have one, short one, who should be next, Your Honor. I think probably ten or fifteen minutes on direct examination and then we have another witness who I would say probably will take an hour to an hour and a half on direct, Your Honor, and after that, I would say all the rest of the government witnesses would take anywhere from fifteen minutes

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EXHIBIT 6

ADDITIONAL SUBMISSION ON COLOMBIAN DRUG TRAFFICKERS AND THE CUBAN CONNECTION

SUBMITTED BY JAMES H. MICHEL
DEPUTY ASSISTANT SECRETARY
FOR INTER-AMERICAN AFFAIRS

The following account of the activities of Colombian narcotics smugglers Jaime Guillot Lara, Juan Lazaro "Johnny" Crump and Juan Antonio "Chucho" Amaya Pulido, demonstrating Cuban involvement in narcotics trafficking, has been prepared for the public record, based on information acquired from Guillot and other independent sources.

Jaime Guillot Lara, by his own admission, has been involved in arms trafficking operations to Colombia for the 19th of April Movement (M-19) on behalf of the Government of Cuba, which provided funds for the purchase of arms through officials of the Cuban Embassies in Colombia and Mexico. Guillot was well known to the Cubans through his active involvement as an arms runner with the M-19 beginning around 1977 and through his having served as a communications relay for several years for Ivan Ospina and Mariano Hernandez, members of the M-19 National Directorate. Guillot had become actively involved with that guerrilla organization through an acquaintance from his days as a student at the Free University in Colombia. His activities on behalf of the M-19, included a 35,000 dollar purchase of "Uzi" submachine guns, pistols and AR-15 rifles from a Miami arms dealer, with the funds provided by Hernandez. It is not surprising, therefore, that the Cubans would be interested in Guillot, knowing that he was a trusted auxiliary of the M-19, had broad familiarity with Colombia and experience as a smuggler.

In early 1979, another Colombian drug smuggler, Juan Lazaro "Johnny" Crump, told his associate and former head of the Cuban-Colombian Friendship Society in Bogota, Jesus Antonio "Chucho" Amaya Pulido, that he and Guillot were very close friends with the Cuban Ambassador to Colombia, Fernando Ravelo Renedo. In August 1979, Crump invited Amaya to a meeting at the Cuban Embassy in Bogota. There Amaya was introduced to Ambassador Ravelo and Cuban First Secretary Gonzalo Bassols Suarez, both of whom were officers in the America Department of the Cuban Communist Party Central Committee (PCC/AD), the organization responsible for terrorism and subversion in the Hemisphere. The Cubans held subsequent meetings with Amaya, Crump and Guillot as well as with other Colombian drug runners at various locations in Bogota. During one such meeting, in Amaya's home, Ravelo was accompanied by Cuban Second Secretary and Consul Jose Antonio Garcia Rosquette, a member of the Cuban General Intelligence Directorate (DGI). Amaya also consulted with Tomas Diaz Acosta, the representative of the Cuban News Agency "Prensa Latina" in Colombia.

According to a high-level member of the narcotics trafficking network, official Cuban protection for Jaime Guillot Lara's narcotics trafficking began during the summer of 1980. Guillot-leased mother ships would proceed from the north coast of Colombia to Cuban waters. These mother ships would venture onto the high seas where they would transfer drugs to feeder boats arriving from Bimini, other islands in the Bahamas and Florida. They would then return to the safehaven of Cuban waters. On one occasion when Cuban authorities detained one of the mother ships, the vessel has immediately released after Guillot contacted the Cuban Ambassador in Colombia who in turn advised Havana of the detention. During this time Crump had an arrangement with Cuban officials whereby he received safe passage through Cuban waters in exchange for payoffs at the Cuban Coast Guard station across from Andros Island, the Bahamas. Guillot later added Crump's route to his own after the latter's arrest.

In January 1981, acting on instructions from M-19 leader Ospina, Guillot travelled from Colombia to Panama where he met with Cuban First Secretary Gonzalo Bassols Suarez and M-19 military leader Jaime Bateman Cayon. During this meeting Bateman discussed the importance of getting arms to the M-19 in Colombia and arranged for Guillot to receive an arms shipment to be delivered at a later date to the Guajira Peninsula of Colombia.

In July 1981, on instructions from M-19 leader Hernandez, Guillot travelled to Mexico City to meet with Cuban First Secretary Bassols and returned to Colombia to await instructions concerning an arms delivery.

On October 15, 1981 Guillot contacted Leonardo Pineda de Luque, a marijuana dealer and told him he was coordinating the acquisition of a cargo of marijuana for shipment to the United States. Guillot arranged to have 5000 pounds of marijuana delivered to him the following day.

Guillot then travelled to the Colombian port of Dibulla where his boat "Zar de Honduras" arrived loaded with arms. These arms were transported to a nearby farm with a clandestine airstrip. Here, the arms were guarded by members of the M-19 while Guillot arranged to have the 5000 pounds of marijuana transferred to the "Zar de Honduras." Guillot took 800 pounds of marijuana to the airstrip, where on October 18, a small twin-engine aircraft with U.S. registration arrived and departed with the marijuana.

On October 21, M-19 guerrillas moved the cached arms, which consisted of 55 crates containing 550 FAL rifles and 90 crates containing 90,000 7.62 mm. cartridges, to the head of the airstrip where they were loaded on a hijacked Aerospeca cargo plane operated by M-19 guerrillas who flew the arms on to the Orteguaza River in the Caqueta Department of Colombia.

In early November, Guillot travelled to Managua, Nicaragua and proceeded to Mexico where he met with Cuban First Secretary Bassols. Bassols informed Guillot of Bateman's instructions to meet with a Bolivian Air Force officer in Mexico City to arrange the purchase of 500 kilograms of cocaine for the M-19. Guillot later stated that the deal was underwritten by Cuba and that the plan called for him to travel to Bolivia to verify the existence of the cocaine and return to Colombia to make arrangements for its shipment to the United States. During the negotiations, Bassols gave Guillot a $10,000 loan.

While in Mexico City, Guillot had expressed fear of arrest by the Mexican authorities. He met with America Department official Roberto Gonzalez Egana, who informed him that "Fidel" had urged that Guillot take refuge in the Cuban embassy. Guillot declined to accept that suggestion and was subsequently arrested by Mexican authorities.

The foregoing history demonstrates that senior Cuban diplomats and party officials were in close and confidential contact with arms dealers and narcotics traffickers in Colombia and that they permitted at least two of these individuals, Guillot and Crump, to use Cuban shelter in running drugs to the United States. They advanced funds to the drug runners, sought to protect them from arrest, and participated in meetings to have an arms shipment delivered to the Guajira Peninsula in Colombia. Cuba, through its embassies in Mexico and Colombia, cultivated narcotics runners, who had already established infrastructures for transmitting cargo which could serve Cuban objectives, be it arms or narcotics. It is clear that Cuban officials, who coordinated closely with Guillot, Crump and Amaya, urged narcotics smuggler Guillot to work closely with the M-19. In exchange for Colombian drug runners smuggling arms to Cuban-backed insurgents, Cuba offered safe passage for ships carrying narcotics to the United States through Cuban waters.